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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[Docket No. DEA–432]

Schedules of Controlled Substances: Placement of AH-7921 Into Schedule I

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Final order.

SUMMARY: With the issuance of this final order, the Administrator of the Drug Enforcement Administration places the substance AH-7921 (Systematic IUPAC Name: 3,4-dichloro-*N*-[(1dimethy lamino)cyclohexylmethyl]benzamide), including its isomers, esters, ethers, salts, and salts of isomers, esters and ethers, into schedule I of the Controlled Substances Act. This scheduling action is pursuant to the Controlled Substances Act and is required in order for the United States to discharge its obligations under the Single Convention on Narcotic Drugs, 1961. This action imposes the regulatory controls and administrative, civil, and criminal sanctions applicable to schedule I controlled substances on persons who handle (manufacture, distribute, import, export, engage in research or conduct instructional activities with, or possess), or propose to handle, AH-7921.

DATES: Effective May 16, 2016.

FOR FURTHER INFORMATION CONTACT: Barbara J. Boockholdt, Office of Diversion Control, Drug Enforcement Administration; Mailing Address: 8701 Morrissette Drive, Springfield, Virginia 22152; Telephone: (202) 598–6812.

SUPPLEMENTARY INFORMATION:

Legal Authority

The Drug Enforcement Administration (DEA) implements and enforces titles II and III of the Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended. Titles II and III are referred to as the "Controlled Substances Act" and the "Controlled Substances Import and Export Act," respectively, and are collectively referred to as the "Controlled Substances Act" or the "CSA" for the purpose of this action. 21 U.S.C. 801–971. The DEA publishes the implementing regulations for these statutes in title 21 of the Code of Federal Regulations (CFR), chapter II. The CSA and its implementing regulations are designed to prevent, detect, and eliminate the diversion of controlled substances and listed chemicals into the illicit market while providing for the legitimate medical, scientific, research, and industrial needs of the United States. Controlled substances have the potential for abuse and dependence and are controlled to protect the public health and safety.

Under the CSA, controlled substances are classified into one of five schedules based upon their potential for abuse, their currently accepted medical use in treatment in the United States, and the degree of dependence the substance may cause. 21 U.S.C. 812. The initial schedules of controlled substances established by Congress are found at 21 U.S.C. 812(c), and the current list of scheduled substances is published at 21 CFR part 1308.

Section 201(d)(1) of the CSA (21 U.S.C. 811(d)(1)) states that, if control of a substance is required "by United States obligations under international treaties, conventions, or protocols in effect on October 27, 1970, the Attorney General shall issue an order controlling such drug under the schedule he deems most appropriate to carry out such obligations, without regard to the findings and procedures required by section 201(a) and (b) (21 U.S.C. 811(a) and (b)) and section 202(b) (21 U.S.C. 812(b)) of the Act." 21 U.S.C. 811(d)(1), 21 CFR 1308.46. If a substance is added to one of the schedules of the Single Convention on Narcotic Drugs, 1961, then, in accordance with article 3, paragraph 7 of the Convention, as a signatory Member State, the United States is obligated to control that substance under its national drug control legislation, the CSA. The Attorney General has delegated scheduling authority under 21 U.S.C. 811 to the Administrator of the DEA. 28 CFR 0.100.

Background

On May 8, 2015, the Secretary-General of the United Nations advised the Secretary of State of the United States, that during the 58th session of the Commission on Narcotic Drugs, AH-7921 was added to schedule I of the Single Convention on Narcotic Drugs, 1961. This letter was prompted by a decision at the 58th session of the Commission on Narcotic Drugs in March 2015 to schedule AH-7921 under schedule I of the Single Convention on Narcotic Drugs. As a signatory Member State to the Single Convention on Narcotic Drugs, the United States is obligated to control AH-7921 under its national drug control legislation, the CSA, in the schedule deemed most appropriate to carry out its international obligations. 21 U.S.C. 811(d)(1).

AH-7921

AH-7921 is an *N*-substituted cyclohexylmethyl benzamide developed in 1962 by Allen and Hanbury's, Ltd., a pharmaceutical company in the United Kingdom. AH-7921 is a μ-opioid receptor agonist with analgesic activity similar to that of morphine. The DEA is not aware of any commercial or medical uses for this substance. In animals, withdrawal symptoms are observed following repeated administration of AH-7921. Currently, clinical studies evaluating the safety and pharmacological effects of AH-7921 in humans have not been reported in the scientific literature. Usage of AH-7921 for eliciting euphoria and relaxation has been documented. There have been several reports of overdoses and deaths from AH-7921 reported worldwide including at least one published case report of a death resulting from AH-7921 in the United States. Given the increasing abuse of opioid prescription drugs (*e.g.*, oxycodone, hydrocodone and fentanyl) and increased use of heroin in the United States, there are legitimate concerns about an increased potential of abuse of AH-7921.

DEA is not aware of any claims or any medical or scientific literature suggesting that AH-7921 has a currently accepted medical use in treatment in the United States. Accordingly, DEA has not requested that HHS conduct a scientific and medical evaluation of the substance's medical utility.

Furthermore, DEA is not required under 21 U.S.C. 811(d)(1) to make any findings required by 21 U.S.C. 811(a) or 812(b), and is not required to follow the procedures prescribed by 21 U.S.C. 811(a) and (b). Therefore, consistent with the framework of 21 U.S.C. 811(d), DEA concludes that AH-7921 has no currently accepted medical use in treatment in the United States and is most appropriately placed in schedule I of the CSA.

Conclusion

In order to meet the obligations of the Single Convention on Narcotic Drugs, 1961 and because AH-7921 has no currently accepted medical use in treatment in the United States, the Administrator of the Drug Enforcement Administration has determined that this substance should be placed in schedule I of the Controlled Substances Act.

Requirements for Handling

Upon the effective date of this final order, AH-7921 is subject to the CSA's schedule I regulatory controls and administrative, civil, and criminal sanctions applicable to the manufacture, distribution, importation, exportation, engagement in research, and conduct of instructional activities with, and possession of schedule I controlled substances including the following:

1. *Registration.* Any person who handles (manufactures, distributes, imports, exports, engages in research or conducts instructional activities with, or possesses), or who desires to handle, AH-7921 must be registered with the DEA to conduct such activities pursuant to 21 U.S.C. 822, 823, 957, and 958 and in accordance with 21 CFR parts 1301 and 1312, as of May 16, 2016. Any person who currently handles AH-7921, and is not registered with the DEA, must submit an application for registration and may not continue to handle AH-7921 as of May 16, 2016, unless the DEA has approved that application for registration pursuant to 21 U.S.C. 822, 823, 957, 958, and in accordance with 21 CFR parts 1301 and 1312.

2. *Disposal of stocks.* Any person who does not desire or is not able to obtain a schedule I registration must surrender all quantities of currently held AH-7921, or may transfer all quantities of currently held AH-7921 to a person registered with the DEA on or before May 16, 2016 in accordance with all applicable federal, state, local, and tribal laws. As of May 16, 2016, controlled substances must be disposed of in accordance with 21 CFR part 1317, in additional to all other applicable federal, state, local, and tribal laws.

3. *Security.* AH-7921 is subject to schedule I security requirements and must be handled and stored pursuant to 21 U.S.C. 821, 823, 871(b), and in accordance with 21 CFR 1301.71–1301.93, as of May 16, 2016.

4. *Labeling and packaging.* All labels, labeling, and packaging for commercial containers of AH-7921 must be in compliance with 21 U.S.C. 825, 958(e), and be in accordance with 21 CFR part 1302 as of May 16, 2016.

5. *Quota.* A quota assigned pursuant to 21 U.S.C. 826 and in accordance with 21 CFR part 1303 is required in order to manufacture AH-7921 as of May 16, 2016.

6. *Inventory.* Every DEA registrant who possesses any quantity of AH-7921 on the effective date of this order must take an inventory of all stocks of this substance on hand as of May 16, 2016, pursuant to 21 U.S.C. 827 and 958, and in accordance with §§ 1304.03, 1304.04, and 1304.11.

Any person who becomes registered with the DEA after May 16, 2016 must take an initial inventory of all stocks of controlled substances (including AH-7921) on hand on the date the registrant first engages in the handling of controlled substances, pursuant to 21 U.S.C. 827 and 958 and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11.

After the initial inventory, every DEA registrant must take an inventory of all controlled substances (including AH-7921) on hand on a biennial basis, pursuant to 21 U.S.C. 827 and 958, and in accordance with §§ 1304.03, 1304.04, and 1304.11.

7. *Records and Reports.* Every DEA registrant would be required to maintain records and submit reports with respect to AH-7921 pursuant to 21 U.S.C. 827 and 958, and in accordance with 21 CFR parts 1304 and 1312.

8. *Order Forms.* All DEA registrants who distribute AH-7921 must comply with order form requirements pursuant to 21 U.S.C. 828 and in accordance with 21 CFR part 1305 as of May 16, 2016.

9. *Importation and Exportation.* All importation and exportation of AH-7921 must be in compliance with 21 U.S.C. 952, 953, 957, 958, and in accordance with 21 CFR part 1312 as of May 16, 2016.

10. *Liability.* Any activity involving AH-7921 not authorized by, or in violation of the CSA, occurring as of May 16, 2016, is unlawful, and may subject the person to administrative, civil, and/or criminal sanctions.

Regulatory Analyses

Administrative Procedure Act

The CSA provides for an expedited scheduling action where control is required by the United States obligations under international treaties, conventions, or protocols. 21 U.S.C. 811(d)(1). If control is required pursuant to such international treaty, convention, or protocol, the Attorney General must issue an order controlling such drug under the schedule he deems most appropriate to carry out such obligations, without regard to the findings or procedures otherwise required for scheduling actions. *Id.*

To the extent that 21 U.S.C. 811(d)(1) directs that if control is required by the United States obligations under international treaties, conventions, or protocols in effect on October 27, 1970, scheduling actions shall be issued by order (as compared to scheduling pursuant to 21 U.S.C. 811(a) by rule), the DEA believes that the notice and comment requirements of section 553 of the Administrative Procedure Act (APA), 5 U.S.C. 553, do not apply to this scheduling action. In the alternative, even if this action does constitute "rule making" under 5 U.S.C. 551(5), this action is exempt from the notice and comment requirements of 5 U.S.C. 553 pursuant to 21 U.S.C. 553(a)(1) as an action involving a foreign affairs function of the United States given that this action is being done in accordance with 21 U.S.C. 811(d)(1)'s requirement that such action be taken to comply with the United States obligations under the specified international agreements.

Executive Order 12866

This action is not a significant regulatory action as defined by Executive Order 12866 (Regulatory Planning and Review), section 3(f), and, accordingly, this action has not been reviewed by the Office of Management and Budget (OMB).

Executive Order 13132

This action does not have federalism implications warranting the application of Executive Order 13132. This action will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132 (Federalism) it is determined that this action does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Executive Order 13175

This action does not have tribal implications warranting the application of Executive Order 13175. The action does not have substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612) applies to rules that are subject to notice and comment under section 553(b) of the APA or any other law. As explained above, the CSA exempts this final order from notice and comment. Consequently, the RFA does not apply to this action.

Paperwork Reduction Act of 1995

This action does not impose a new collection of information requirement under the Paperwork Reduction Act of 1995. 44 U.S.C. 3501–3521. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Congressional Review Act

This action is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996 (Congressional Review Act). However, the DEA has submitted a copy of this final order to both Houses of Congress and to the Comptroller General.

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Narcotics, Prescription drugs.

For the reasons set out above, the DEA amends 21 CFR part 1308 as follows:

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

■ 1. The authority citation for part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b), unless otherwise noted.

■ 2. Amend § 1308.11 by redesignating paragraphs (b)(3) through (55) as (b)(4) through (56) and adding a new (b)(3)to read as follows:

§ 1308.11 Schedule I.

* * * * *

(b) * * *

(3)	AH-7921 (3,4-dichloro-*N*-[(1-dimethylamino) cyclohexylmethyl]benzamide	9551

* * * * *

Dated: April 8, 2016

Chuck Rosenberg,

Acting Administrator.

[FR Doc. 2016–08566 Filed 4–13–16; 8:45 am]

BILLING CODE 4410–09–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–HQ–OAR–2016–0098; FRL–9944–88–OAR]

Findings of Failure To Submit State Implementation Plans Required for Attainment of the 2010 1-Hour Primary Sulfur Dioxide National Ambient Air Quality Standard (NAAQS); Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: The Environmental Protection Agency (EPA) is correcting a final rule that appeared in the **Federal Register** on March 18, 2016 (81 FR 14736). The document included a listing of areas for which states had not submitted State Implementation Plans (SIPs) addressing nonattainment area SIP requirements for the 2010 1-hour primary sulfur dioxide (SO_2) NAAQS. This action corrects that listing to clarify that the Indiana, Pennsylvania nonattainment area for the 2010 SO_2 NAAQS consists of the entirety of Indiana County and part of Armstrong County.

DATES: The effective date of this document is April 18, 2016.

FOR FURTHER INFORMATION CONTACT: For questions regarding this correction, contact Dr. Larry Wallace, U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Mail Code C539–01, Research Triangle Park, NC 27711, phone number (919) 541-0906 or by email at *wallace.larry@epa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The EPA issued the final rule, in FR Doc 2016–06063 on March 18, 2016 (81 FR 14736). That final rule establishes certain Clean Air Act deadlines for the EPA to impose sanctions if a state does not submit a SIP addressing nonattainment area SIP requirements to bring the affected areas into attainment of the 2010 1-hour primary SO_2 NAAQS and for the EPA to promulgate a Federal Implementation Plan to address any outstanding SIP requirements.

Need for Correction

As published, the final preamble contains an error in a table identifying areas subject to the findings of failure to submit related to the Indiana, Pennsylvania nonattainment area. The Indiana, Pennsylvania nonattainment area consists of the entirety of Indiana County and part of Armstrong County. *See* 78 FR 47191, August 5, 2013 codified at 40 CFR part 81, subpart C. The preamble table mistakenly lists Indiana County as a "partial" county that is part of the Indiana, Pennsylvania nonattainment area subject to a finding of failure to submit, when the full county should have been listed as subject to the finding. Additional notice and comment for this minor technical correction is unnecessary under 5 U.S.C. 553(b)(3)(B), and the EPA finds that good cause exists for this minor technical correction to become effective at the same time as the final rule. Accordingly, this correction is incorporated into the final rule and also becomes effective on April 18, 2016.

Correction of Publication

In FR Doc 2016–06063 appearing on page 14736 in the **Federal Register** of Friday, March 18, 2016, the following correction is made:

On page 14737, table entitled "STATES AND SO_2 NONATTAINMENT AREAS AFFECTED BY THESE FINDINGS OF FAILURE TO SUBMIT," remove from the end of the fourth entry, under the column titled "Nonattainment area" the text "(p)".

Dated: April 4, 2016.

Janet G. McCabe,

Acting Assistant Administrator.

[FR Doc. 2016–08509 Filed 4–13–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2015–0204; FRL–9944–16–Region 9]

Partial Approval and Partial Disapproval of Air Quality State Implementation Plans; California; South Coast; Moderate Area Plan for the 2006 $PM_{2.5}$ NAAQS

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving in part and disapproving in part State implementation plan (SIP) revisions

submitted by California to address moderate area Clean Air Act (CAA) requirements for the 2006 fine particulate ($PM_{2.5}$) National Ambient Air Quality Standards (NAAQS) in the Los Angeles—South Coast air basin (South Coast) $PM_{2.5}$ nonattainment area. These SIP revisions are the 2012 $PM_{2.5}$ Plan, submitted February 13, 2013, and the 2015 Supplement, submitted March 4, 2015. We are disapproving the Reasonably Available Control Measure, Reasonably Available Control Technology (RACM/RACT), and Reasonable Further Progress elements of the SIP revisions because of new information indicating that the 2010 RECLAIM program does not meet the RACM/RACT requirement for certain sources of emissions. The EPA is prepared to work with the State to correct this deficiency. We are not finalizing our proposed action on the District's ports-related commitment at this time.

DATES: This rule is effective on May 16, 2016.

ADDRESSES: The EPA has established docket number EPA–R09–OAR–2015–0204 for this action. Generally, documents in the docket for this action are available electronically at *http://www.regulations.gov* or in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California 94105–3901. While all documents in the docket are listed at *http://www.regulations.gov,* some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material, large maps, multi-volume reports), and some may not be available in either location (*e.g.,* confidential business information (CBI)). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Wienke Tax, EPA Region 9, (415) 947–4192, *tax.wienke@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, "we," "us" and "our" refer to the EPA.

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I. Background Information

On October 20, 2015, we proposed to approve state implementation plan (SIP) revisions submitted by California to address Clean Air Act (CAA or Act) requirements for the 2006 24-hour fine particulate matter ($PM_{2.5}$) national ambient air quality standards (NAAQS) in the Los Angeles-South Coast air basin (South Coast) Moderate $PM_{2.5}$ nonattainment area. See 80 FR 63640 (October 20, 2015). The SIP revisions that we proposed to approve are those portions of the "Final 2012 Air Quality Management Plan (AQMP)" that address attainment of the 2006 $PM_{2.5}$ NAAQS (2012 $PM_{2.5}$ Plan), submitted February 13, 2013, and the "Supplement to the 24-Hour $PM_{2.5}$ State Implementation Plan for the South Coast Air Basin" (2015 Supplement), submitted March 4, 2015. We refer to these submissions collectively herein as "the Plan." The EPA proposed to approve the following elements of the Plan as satisfying applicable CAA requirements: (1) The 2008 base year emissions inventories; (2) the reasonably available control measures/reasonably available control technology demonstration; (3) the reasonable further progress demonstration; (4) the demonstration that attainment by the Moderate area attainment date of December 31, 2015 is impracticable; (5) the District's commitments to adopt and implement specific rules and measures on a specific schedule; and (6) the general conformity budgets for NO_X and VOC for years 2013–2030 in the Plan.[1]

The EPA also proposed to reclassify the South Coast area, including Indian country within it, as a Serious nonattainment area for the 2006 $PM_{2.5}$ NAAQS, based on the EPA's determination that the area could not practicably attain this standard by the applicable Moderate area attainment date of December 31, 2015.

On December 22, 2015, we finalized our proposal to reclassify the South Coast area from Moderate to Serious for the 2006 $PM_{2.5}$ NAAQS.[2] As a result of that action, California is required to submit, by August 14, 2017, additional SIP revisions to satisfy the statutory requirements that apply to Serious $PM_{2.5}$ nonattainment areas, including the requirements of subpart 4 of part D, title I of the Act. The Serious area plan must provide for attainment of the 2006 $PM_{2.5}$ NAAQS in the South Coast area as expeditiously as practicable, but no later than December 31, 2019, in accordance with the requirements of part D of title I of the Act.

In our December 22, 2015 final action to reclassify the South Coast area as a Serious $PM_{2.5}$ nonattainment area, we summarized and responded to public comments pertaining to the reclassification and its consequences and stated that we would, in a separate rulemaking, respond to comments pertaining to our proposed action on the submitted plan.[3]

II. Public Comments and EPA Responses

The EPA provided a 30-day period for public comment on our proposed rule. During this comment period, which ended on November 19, 2015, we received ten sets of public comments on our proposal. Comment letters were submitted by Earthjustice on behalf of the Center for Biological Diversity, Coalition for Clean Air, Communities for a Better Environment, East Yard Communities for Environmental Justice, and the Sierra Club ("Earthjustice"); the San Pedro Bay Ports (Ports of Los Angeles and Long Beach, or "the Ports"); Maersk Agency USA; NAIOP, the Commercial Real Estate Development Association; the Los Angeles Area Chamber of Commerce; Burlington Northern Santa Fe and Union Pacific Railroads; the Pacific Merchant Shipping Association; the California Trucking Association; BizFed, the Los Angeles County Business Federation; and the Public Solar Power Coalition.[4] Copies of these comment letters can be found in the docket.

Many of these comment letters address only our proposal to approve the South Coast Air Quality Management District's (SCAQMD or District) commitment to adopt a backstop measure related to ports and port-related facilities in 2015, as part of our action on the 2012 $PM_{2.5}$ Plan and 2015 Supplement.[5] Specifically, the comments from the following entities focus entirely on this ports-related commitment: The San Pedro Bay Ports (Ports of Los Angeles and Long Beach, or "the Ports"); Maersk Agency USA; NAIOP, the Commercial Real Estate Development Association; the Los Angeles Area Chamber of Commerce; Burlington Northern Santa Fe and Union Pacific Railroads; the Pacific Merchant Shipping Association; the California Trucking Association; and BizFed, the Los Angeles County Business Federation. Given the volume of these comments on the District's ports-related commitment, and the need for the EPA to further evaluate the

[1] 80 FR 63640 (October 20, 2015) at 63660.

[2] 81 FR 1514 (January 13, 2016).

[3] *Id.*

[4] All comment letters are in the docket for today's action at *www.regulations.gov,* docket ID EPA–R09–OAR–2015–0204.

[5] *See* 80 FR at 63651 (October 20, 2015) (discussing District commitment to "adopt backstop measures related to ports and port-related facilities in 2015," also referred to as control measure IND–01, "Backstop Measures for Indirect Sources of Emissions from Ports and Port-related Facilities").

issues these comments raise, we are not finalizing our proposed action on the commitment at this time and will respond to all comments pertaining to this commitment in a separate rulemaking.[6] We summarize and respond below to all other comments pertaining to our proposed action on the 2012 $PM_{2.5}$ Plan and the 2015 Supplement.

Comments Regarding RACM/RACT

Comment 1. Earthjustice asserts that the 2012 $PM_{2.5}$ Plan fails to meet minimum requirements for Reasonably Available Control Measures (RACM) because some sources covered under South Coast's NO_X Regional Clean Air Incentives Market (RECLAIM) program have not installed control technologies that are economically feasible and readily available. Citing recent rulemaking documents from the District's December 4, 2015 amendments to the RECLAIM program,[7] Earthjustice argues that the District itself has found that the current cap on NO_X RECLAIM emissions is far above the level of emissions that would be generated if cost-effective and readily available technologies were implemented in the South Coast air basin. Earthjustice also argues that the 2 ton per day (tpd) reduction in the NO_X RECLAIM cap (referred to as the NO_X "shave") included in the 2012 $PM_{2.5}$ Plan falls short of what is actually feasible for certain sectors, where "readily available technologies simply have not been installed because of too many credits in the NO_X RECLAIM program." For example, Earthjustice quotes the District's statements in the "Draft Final Socioeconomic Report For Proposed Amendments to Regulation XX—Regional Clean Air Incentive Market (RECLAIM) NO_X RECLAIM" (hereafter "RECLAIM Socioeconomic Report") indicating that the NO_X RECLAIM program, as amended in 2005, has allowed numerous refineries to delay installation of selective catalytic reduction (SCR) controls that the District had identified as best available retrofit control technology (BARCT).[8]

Earthjustice acknowledges the EPA's policies allowing for cap and trade programs to satisfy RACT by ensuring emission reductions equal, in the aggregate, to the reductions expected from direct application of RACT on individual affected sources but asserts that, in this case, "EPA cannot simply conclude that a 2 tpd shave to the NO_X RECLAIM program satisfies RACT because 'RECLAIM [must] achieve[ ] reductions of NO_X emissions from covered sources that are equivalent in the aggregate, to the reductions achieved by RACT-level controls.'" At a minimum, according to Earthjustice, "RACM requires an assessment of the NO_X RECLAIM program in light of new information that the NO_X RECLAIM program is woefully far from achieving reductions commensurate with 'RACT-level controls.'" Earthjustice concludes that the District can either amend its NO_X RECLAIM program to make it equivalent to RACT-level controls or adopt direct controls to ensure that readily available and cost-effective pollution control equipment is installed on many sources that have not installed these controls.

Response 1: The EPA has reevaluated the RACM/RACT demonstration in the 2012 $PM_{2.5}$ Plan in light of the commenter's arguments and agrees that the Plan does not adequately address RACM/RACT for certain NO_X emission sources covered by the RECLAIM program.

The SCAQMD adopted the RECLAIM program in 1993 to reduce emissions from the largest stationary sources of NO_X and SO_X emissions through a market-based trading program that establishes annually declining NO_X and SO_X allocations (also called "facility caps") and allows covered facilities to comply with their facility caps by installing pollution control equipment, changing operations, or purchasing "RECLAIM trading credits" (RTCs) from the RECLAIM market.[9] Section 40440 of the California Health and Safety Code requires the District to monitor advances in BARCT and periodically to reassess the overall facility caps to ensure that the facility caps are equivalent, in the aggregate, to BARCT emission levels imposed on affected sources. Facilities electing to enter RECLAIM are exempted from a number of SCAQMD prohibitory rules that otherwise apply to sources of NO_X and SO_X emissions in the South Coast.[10]

Under longstanding EPA interpretation of the CAA, a market-based cap and trade program may satisfy RACT requirements by ensuring that the level of emission reductions resulting from implementation of the program will be equal, in the aggregate, to those reductions expected from the direct application of RACT on all affected sources within the nonattainment area.[11] The EPA approved the RECLAIM program into the California SIP in June 1998 based in part on a conclusion that the NO_X emission caps in the program satisfied the RACT requirements of CAA section 182(b)(2) and (f) for covered NO_X emission sources in the aggregate.[12] In 2005 and 2010, the District adopted revisions to the NO_X RECLAIM program, which the EPA approved on August 29, 2006 and August 12, 2011, respectively, based in part on conclusions that the revisions continued to satisfy NO_X RACT requirements.[13] We refer to the NO_X RECLAIM program as approved into the SIP as the "2010 RECLAIM program."

The recent SCAQMD rulemaking documents that Earthjustice cites call into question the efficacy of the 2010 RECLAIM program in ensuring NO_X emission reductions equivalent to RACT-level controls on all affected sources. Specifically, according to a November 4, 2015 draft staff report by the SCAQMD entitled "Proposed Amendments to Regulation XX, Regional Clean Air Incentives Market (RECLAIM), NO_X RECLAIM" (hereafter "Draft RECLAIM Staff Report"), between 2009 and 2013, the RECLAIM market contained 5–8 tons per day (tpd) of "surplus" RTCs that created a dampening effect on RTC prices, bringing average RTC prices down to a range of $1,162–$5,491 per ton compared to the average cost-effectiveness of control range, which is $8,300–$13,000 per ton.[14] As a result,

[6] The District's ports-related commitment is not a component of the February 13, 2013 plan submission that is the subject of a consent decree in *Sierra Club, et al.* v. *EPA*, No. 2:15–cv–3798–ODW (ASx) (C.D. CA.). *See* letter dated February 13, 2013, from James N. Goldstene, Executive Officer, CARB, to Jared Blumenfeld, Regional Administrator, EPA Region 9, with attachments, and CARB Resolution 15–2, February 19, 2015; *see also* 80 FR 79338 (December 21, 2015).

[7] On December 4, 2015, the SCAQMD adopted amendments to the RECLAIM program to implement BARCT for NO_X emissions from various equipment by establishing RTC reduction targets and RTC adjustment factors for year 2016 and beyond (See SCAQMD Governing Board Resolution 15–25, December 4, 2015).

[8] BARCT is defined as "an emission limitation that is based on the maximum degree of reduction achievable taking into account environmental, energy, and economic impacts by each class or category of source." California Health & Safety Code Section 40406.

[9] 2012 $PM_{2.5}$ Plan, Appendix IV–A ("Stationary Source Control Measures") at p. IV–A–13 (discussing CMB–01: Further NO_X Reductions from RECLAIM—Phase I [NO_X]).

[10] SCAQMD Rule 2001, as amended May 6, 2005, at section (j) ("Rule Applicability").

[11] 59 FR 16690 (April 7, 1994) and U.S. EPA, "Improving Air Quality with Economic Incentive Programs," EPA–452/R–01–001 (January 2001), at Section 16.7.

[12] 61 FR 57834 (November 8, 1996) and 63 FR 32621 (June 15, 1998).

[13] 71 FR 51120 (August 29, 2006) and 76 FR 50128 (August 12, 2011).

[14] South Coast Air Quality Management District, "Proposed Amendments to Regulation XX, Regional Clean Air Incentives Market (RECLAIM), NO_X

Continued

according to the District, RECLAIM facilities opted to purchase these low cost "surplus" RTCs to reconcile their emissions at the end of the compliance year instead of installing controls to reduce pollution.[15] For example, refineries did not install any SCR control technologies in response to the 2005 NO_X RECLAIM amendment even though SCAQMD staff had estimated about 51 SCRs would be installed by 2011.[16] The Draft RECLAIM Staff Report indicates that SCR has been used successfully to control NO_X emissions from various refinery operations and is considered a mature, commercially available, and cost-effective control technique for this source category.[17] The District concluded in the Draft RECLAIM Staff Report that "[r]emoving surplus RTCs is therefore critically important to ensure the effectiveness of the RECLAIM program and meet state law requirements to require the use of BARCT for existing sources." Likewise, in the RECLAIM Socioeconomic Report, the District stated that many of these unused "excess" RTCs were sold to operating RECLAIM facilities as a result of facility shutdowns and that "[t]hese excess RTCs have been artificially depressing RTC prices and have induced RECLAIM facilities to delay the installation of cost-effective controls."[18]

The 2012 $PM_{2.5}$ Plan cites the 2010 RECLAIM program as the basis for the District's RACM/RACT determination for several NO_X emission source categories, including cement kilns, boilers and process heaters at petroleum refineries, and other stationary combustion installations (*e.g.*, steam generators and natural gas and/or oil-fired industrial/commercial/institutional boilers).[19] The Plan also indicates that, for several source categories for which the District identified more stringent NO_X controls implemented in other nonattainment areas,[20] the District intended to reduce NO_X emissions or conduct further study through "Control Measure CMB–01—Further NO_X Reductions from RECLAIM,"[21] a measure that commits the District to achieve an additional 2 tpd of NO_X emission reductions through a 2 tpd "shave" to the RECLAIM NO_X emission caps in 2015 if the South Coast area fails to attain the 2006 $PM_{2.5}$ NAAQS by then.[22] The 2012 $PM_{2.5}$ Plan does not explain how either the 2010 RECLAIM program or the additional 2 tpd reduction ("shave") to the NO_X emission cap described in Control Measure CMB–01 ensures that the level of NO_X emission reductions resulting from implementation of the RECLAIM program is equal, in the aggregate, to those NO_X emission reductions expected from the direct application of RACT on covered sources within the South Coast nonattainment area. The Plan does, however, state that there are approximately 8 tpd of "excess" NO_X RTCs in the RECLAIM market, consistent with the District's findings in the Draft RECLAIM Staff Report and RECLAIM Socioeconomic Report.[23]

Given the information in the Plan about "excess" NO_X RTCs in the 2010 RECLAIM program and the new information submitted by the commenters indicating that these excess RTCs have artificially depressed NO_X RTC prices during the 2009–2013 period covered by the Plan, thus allowing RECLAIM facilities to avoid installing technically feasible and cost-effective NO_X pollution control equipment during this period, and given the absence of a demonstration in the Plan to support a conclusion that the 2010 RECLAIM program ensures, in the aggregate, NO_X emission reductions equivalent to RACT-level controls for these sources, we are disapproving the RACM/RACT demonstration in the Plan.

Our proposal to find that the 2012 $PM_{2.5}$ Plan and 2015 Supplement satisfy the requirement for RFP in CAA section 172(c)(2) was based primarily on a conclusion that the Plan "demonstrates that all RACM/RACT are being implemented as expeditiously as practicable and identifies projected emission levels for 2014 that reflect full implementation of the State's and District's RACM/RACT control strategy for the area."[24] Our evaluation of whether the RACM/RACT measures would result in emissions reductions consistent with meeting the RFP requirement of the statute was thus dependent upon the approval of the Plan with respect to the RACM/RACT requirement. Because we are now disapproving the RACM/RACT demonstration in the Plan, we must also find that the Plan does not satisfy the statutory requirement for RFP for the 2006 $PM_{2.5}$ NAAQS.

As a result of our December 22, 2015 final action reclassifying the South Coast area as Serious nonattainment for the 2006 $PM_{2.5}$ NAAQS, California is required to submit by August 14, 2017 a Serious Area plan for the South Coast area, including provisions to assure that the best available control measures (BACM) and best available control technology (BACT) for the control of direct $PM_{2.5}$ and $PM_{2.5}$ precursors shall be implemented no later than 4 years after the area is reclassified.[25] We note that, to the extent the State and District intend to rely on the NO_X RECLAIM program as part of the BACM demonstration in this new plan, the plan must include documentation sufficient to demonstrate that the NO_X RECLAIM program ensures, in the aggregate, NO_X emission reductions equivalent to BACT-level controls for covered facilities. If the State and District intend to the correct the deficiency in advance of the BACM submission due August 14, 2017, they may do so by submitting revisions to the NO_X RECLAIM program together with documentation sufficient to demonstrate that the revised program ensures, in the aggregate, NO_X emission reductions equivalent to RACT-level controls for covered facilities. Either type of SIP submission would, upon EPA approval, cure the deficiency in the Plan's RACM/RACT demonstration for the 2006 $PM_{2.5}$ NAAQS.

The Serious area plan for the 2006 $PM_{2.5}$ NAAQS in the South Coast area that California is required to submit by August 14, 2017 must also include plan provisions that provide for RFP

RECLAIM" ("Draft RECLAIM Staff Report"), November 4, 2015, at pp. 262–264.

[15] *Id.* at 264.

[16] *Id.* The RECLAIM Socioeconomic Report further states that despite a 7.7 tpd NO_X RTC shave implemented during 2007–2011 through the District's 2005 amendments to RECLAIM, only 4 tpd of actual NO_X emission reductions resulted from this shave, most of which were due to facility shut-downs and not measures taken to reduce actual emissions by facilities in the program. South Coast Air Quality Management District, "Draft Final Socioeconomic Report For Proposed Amendments to Regulation XX—Regional Clean Air Incentive Market (RECLAIM) NO_X RECLAIM" ("RECLAIM Socioeconomic Report"), December 4, 2015, at pp. 1–2.

[17] *See, e.g.*, Draft RECLAIM Staff Report at Appendix A, Appendix B, and Appendix C (discussing technical feasibility and cost-effectiveness estimates for SCR and other NO_X control techniques at refinery fluid catalytic cracking units, refinery boilers and process heaters, and refinery gas turbines).

[18] RECLAIM Socioeconomic Report at pp. 1–2.

[19] 2012 $PM_{2.5}$ Plan, Appendix VI ("Reasonably Available Control Measures (RACM) Demonstration") at pp. VI–13 to VI–17 and Table VI–5.

[20] For example, with respect to boilers and process heaters at refineries, the 2012 $PM_{2.5}$ Plan indicates that NO_X control measures implemented in the San Francisco Bay Area are more stringent than regulations implemented in the South Coast area. 2012 $PM_{2.5}$ Plan, Appendix VI ("Reasonably Available Control Measures (RACM) Demonstration") at pp. VI–13.

[21] *Id.*

[22] 2012 $PM_{2.5}$ Plan, Appendix IV–A ("Stationary Source Control Measures") at pp. IV–A–13 to IV–A–16 (discussing CMB–01: Further NO_X Reductions from RECLAIM—Phase I [NO_X]), as amended by 2015 Supplement at Table F–1.

[23] 2012 $PM_{2.5}$ Plan, Appendix IV–A ("Stationary Source Control Measures") at p. IV–A–14.

[24] 80 FR at 63654 (October 20, 2015).

[25] 81 FR 1514 (January 13, 2016).

consistent with the requirements of CAA section 172(c)(2). A Serious area plan that satisfies the statutory RFP requirement for the 2006 $PM_{2.5}$ NAAQS in the South Coast would, upon EPA approval, cure the deficiency in the 2012 $PM_{2.5}$ Plan's RFP provisions.

Comment 2. Earthjustice argues that the RACM demonstration in the Plan impermissibly relies on mobile source measures that are not approved into the SIP and that the EPA continues to attempt to "illegally credit" waiver measures even though these measures had not been proposed for SIP approval by the time of the EPA's proposed rule on the 2012 $PM_{2.5}$ Plan. Earthjustice further asserts that these waiver measures have never been reviewed for compliance with SIP-related requirements, and that the public has no ability to review and offer comment on the EPA's assessment of how these mobile source measures satisfy the CAA's RACM requirements. Citing *Committee for a Better Arvin* v. *EPA,* 786 F.3d 1169 (9th Cir. 2015) (hereafter "CBA"), Earthjustice argues that the EPA's prior approvals of $PM_{2.5}$ plans for the South Coast and San Joaquin Valley nonattainment areas were remanded for failure to include the mobile source control measures upon which the plans relied and that it is, therefore, premature to conclude that the RACM requirement has been satisfied.

Response 2. As we explained in our proposed rule, in response to the Ninth Circuit's decision in *CBA,* CARB adopted the necessary waiver measures as revisions to the California SIP and submitted them to the EPA on August 14, 2015.[26] Our proposed rule for this action stated that the EPA intended to propose action on these waiver measures in a separate rulemaking and that, "[o]nce approved as part of the SIP, the measures will be enforceable by the EPA or private citizens under the CAA."[27] Our proposed rule also stated that the EPA was "proposing to approve certain elements of the 2012 $PM_{2.5}$ Plan and 2015 Supplement in part based on our expectation that these waiver measures will soon become federally enforceable as a result of our approval of the measures as part of the SIP."[28]

On November 12, 2015, the EPA proposed to approve the submitted waiver measures into the California SIP and provided a 30-day period for public comment on its proposal.[29] As part of this proposed rule, the EPA evaluated the necessary waiver measures for compliance with SIP-related requirements and proposed to find that they fulfill all applicable CAA requirements. The EPA expects to finalize this action in the near term, at which point the waiver measures will become federally enforceable under the CAA.

In the meantime, we agree with Earthjustice that the RACM/RACT demonstration in the 2012 $PM_{2.5}$ Plan remains deficient pending the EPA's final action to approve the waiver measures on which it relies. Because we are disapproving the RACM/RACT demonstration in the 2012 $PM_{2.5}$ Plan on other grounds, however (see Response 1), this conclusion does not alter our action.

Comments Regarding Motor Vehicle Emissions Budgets

Comment 3. Earthjustice asserts that the EPA's decision to not act on the motor vehicle emissions budgets (MVEBs) in the 2012 $PM_{2.5}$ plan is arbitrary and capricious. According to Earthjustice, the revised budgets in the 2012 $PM_{2.5}$ Plan (2015 MVEBs) are significantly strengthened compared to the MVEBs for the 1997 $PM_{2.5}$ NAAQS that the EPA approved in 2011 (2011 MVEBs), which are "outdated and less protective." For example, Earthjustice asserts that the 2015 MVEBs reflect more accurate emissions data as they are based on EMFAC2011 and transportation activity data from the Southern California Association of Governments' (SCAG's) adopted 2012 Regional Transportation Plan, whereas the 2011 MVEBs relied on EMFAC2007, the prior transportation plan, and other outdated information. Additionally, Earthjustice claims that the 2011 MVEBs were "not sufficiently stringent because evidence shows the South Coast air basin has not attained the 1997 $PM_{2.5}$ standard" and "certainly are not sufficiently strong to meet the 2006 $PM_{2.5}$ standard and interim milestones to ensure attainment of this standard."

Earthjustice contends that it is arbitrary to allow the 2011 MVEBs to remain in place for the next transportation plan when revised budgets are available, especially in the South Coast where transportation emissions account for such a large amount of the $PM_{2.5}$ and ozone pollution problems. Earthjustice further argues that it is critically important to have these revised budgets in place given the imminent 2016 transportation plan being prepared by SCAG.

Response 3. We disagree with these comments.

As we explained in our proposed rule, the 2015 Supplement, which CARB submitted in March 2015, revised the attainment demonstration in the 2012 $PM_{2.5}$ Plan to identify December 31, 2015 as the applicable attainment date and included revised motor vehicle emission budgets (MVEBs) for 2015 for direct $PM_{2.5}$, NO_X, and VOC.[30] In July 2015, however, the District submitted preliminary air quality monitoring data that indicated that attainment of the 2006 $PM_{2.5}$ NAAQS by the Moderate area attainment date (December 31, 2015) was impracticable.[31] Based on these air quality data, the District requested that the EPA treat the 2012 $PM_{2.5}$ Plan and 2015 Supplement as a demonstration that attainment by the Moderate area attainment date is impracticable and that the EPA reclassify the South Coast air basin as a Serious nonattainment area for the 2006 $PM_{2.5}$ NAAQS.[32] We therefore evaluated the 2012 $PM_{2.5}$ Plan and 2015 Supplement as a demonstration of impracticability under CAA section 189(a)(1)(B)(ii) and proposed to approve it based on a conclusion that it satisfies the statutory requirements for such demonstrations.

Section 93.118(e)(4) of the conformity rule states that the EPA will not find a motor vehicle emissions budget in a submitted control strategy SIP to be adequate for transportation conformity purposes unless specific criteria are satisfied, including the requirement in paragraph (e)(4)(iv) that the motor vehicle emissions budget(s), when considered together with all other emissions sources, is consistent with applicable requirements for reasonable further progress, attainment, or maintenance, whichever is relevant to the SIP submission. The 2012 $PM_{2.5}$ Plan and 2015 Supplement contain MVEBs only for the 2015 attainment year.[33] The Plan does not demonstrate timely attainment and does not contain an approvable RFP demonstration or any RFP budgets. Because the Plan does not contain a control strategy that satisfies the requirements for RFP, attainment, or maintenance, the EPA cannot find that the MVEBs included with this plan meet the specific requirement in 40 CFR 93.118(e)(4)(iv)

[26] 80 FR 63640 at 63652, n. 48 (citing letter dated August 14, 2015, from Richard W. Corey, Executive Officer, California Air Resources Board, to Jared Blumenfeld, Regional Administrator, EPA Region 9).

[27] 80 FR at 63652.

[28] *Id.*

[29] 80 FR 69915 (November 12, 2015).

[30] 80 FR 63640 at 63655 (October 20, 2015) (citing 2015 Supplement, Attachment C at Table C–1).

[31] *Id.* at 63645 and 63652–53.

[32] *Id.*

[33] 2015 Supplement, Attachment C, at Table C–1.

that the budgets, when considered together with all other emissions sources, be consistent with applicable requirements for reasonable further progress, attainment, or maintenance. Therefore, we cannot find these MVEBs adequate for conformity purposes or approve them.

Under 40 CFR 93.109(c)(2), in a nonattainment area that has no SIP-approved or adequate MVEBs but does have approved or adequate MVEBs in an approved SIP or SIP submission for another NAAQS of the same pollutant, conformity determinations must satisfy the budget test as required by § 93.118 using the approved or adequate MVEBs for that other NAAQS. The South Coast air basin has no SIP-approved or adequate MVEBs for the 2006 $PM_{2.5}$ NAAQS but does have approved MVEBs in an approved SIP for the 1997 $PM_{2.5}$ NAAQS, which is another NAAQS of the same pollutant ($PM_{2.5}$). Therefore, until the EPA finds that a MVEB in a submitted control strategy SIP for the 2006 $PM_{2.5}$ NAAQS is adequate for transportation conformity purposes, conformity determinations for the 2006 $PM_{2.5}$ NAAQS in the South Coast area must satisfy the budget test as required by § 93.118 using the approved MVEBs for the 1997 $PM_{2.5}$ NAAQS. Upon the effective date of the EPA's finding that a MVEB in a submitted control strategy SIP for the 2006 $PM_{2.5}$ NAAQS is adequate for transportation conformity purposes, or upon the publication date of the EPA's approval of such a budget in the **Federal Register**, conformity determinations for the 2006 $PM_{2.5}$ NAAQS in the South Coast area will have to satisfy the budget test in § 93.118 using such approved MVEBs for the 2006 $PM_{2.5}$ NAAQS.[34]

In sum, because the 2012 $PM_{2.5}$ Plan and 2015 Supplement do not contain a control strategy that satisfies the requirements for RFP, attainment, or maintenance, the EPA cannot find that the MVEBs included in the Plan are adequate for conformity purposes and cannot approve these budgets. Accordingly, we are taking no action on the 2015 MVEBs included in the Plan. Because the South Coast air basin has no SIP-approved or adequate MVEBs for the 2006 $PM_{2.5}$ NAAQS but does have approved MVEBs in an approved SIP for the 1997 $PM_{2.5}$ NAAQS, conformity determinations for the 2006 $PM_{2.5}$ NAAQS in the South Coast area must satisfy the budget test as required by § 93.118 using the approved MVEBs for the 1997 $PM_{2.5}$ NAAQS, until the EPA finds that a MVEB in a submitted control strategy SIP for the 2006 $PM_{2.5}$ NAAQS is adequate for transportation conformity purposes in the South Coast air basin.

The EPA recently approved an updated version of the California EMFAC model (EMFAC2014) for use in SIP development and transportation conformity in California.[35] Upon conclusion of the two-year grace period on December 14, 2017, EMFAC2014 will become the only approved motor vehicle emissions model for all new $PM_{2.5}$ regional and hot-spot transportation conformity analyses across California.[36] Although CARB has until August 14, 2017 to submit a Serious area plan for the 2006 $PM_{2.5}$ NAAQS in the South Coast area,[37] we encourage the State to submit this plan and revised MVEBs using EMFAC2014 before that date to ensure that conformity analyses for the 2006 $PM_{2.5}$ NAAQS in the South Coast air basin use the latest emission estimation model available consistent with the requirements of 40 CFR 93.111.

Other Comments

Comment 4. We received three comments from Harvey Eder on behalf of the Public Solar Power Coalition (PSPC). The commenter states his intent to incorporate by reference material submitted to the EPA on behalf of PSPC in several prior EPA rulemaking actions, EPA and presidential statements concerning solar power, and several unspecified magazine and newspaper articles, but does not identify the purpose for which he intends to incorporate these materials by reference. The commenter suggests that EPA Control Techniques Guidelines (CTGs) and Alternative Control Techniques documents (ACTs) "do not exist" and that these would need to be developed "before[] solar can be used as RACT/RACM." The commenter asserts that NO_X is a precursor to both PM_{10} and $PM_{2.5}$ as well as fine and ultra-fine particulates.

Additionally, the commenter asserts that it is reasonable to include solar power as a NO_X control measure, and that the South Coast area needs a "100% ITSC Immediate Total Solar Conversion Plan by 2020–2023."

Response 4: These comments fail to identify any specific issue that is germane to the EPA's proposed action on the 2012 $PM_{2.5}$ Plan and 2015 Supplement. To the extent the commenter intended to encourage additional evaluation of potential solar power installations that may reduce pollution in the South Coast area, the EPA encourages the commenter to participate in the regulatory processes carried out by the SCAQMD, CARB, and other State/local agencies involved in the development of air quality management plans in the South Coast. The EPA finds no basis in these comments to change its proposed action on the Plan.

With respect to the commenter's request to incorporate material by reference, the EPA generally will not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file-sharing system). For the full EPA public comment policy, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

III. Final Action

The EPA is taking final action to approve and disapprove SIP revisions submitted by the State of California to address attainment of the 2006 $PM_{2.5}$ NAAQS in the South Coast $PM_{2.5}$ nonattainment area. These SIP revisions are the 2012 p.m.-2.5 Plan, submitted February 13, 2013, and the 2015 Supplement, submitted March 4, 2015.

Under CAA section 110(k)(3), the EPA is approving the following elements of the 2012 $PM_{2.5}$ Plan and 2015 Supplement:

1. The 2008 base year emissions inventories as meeting the requirements of CAA section 172(c)(3);

2. the demonstration that attainment by the Moderate area attainment date of December 31, 2015 is impracticable as meeting the requirements of CAA section 189(a)(1)(B)(ii);

3. SCAQMD's commitments to adopt and implement specific rules and measures in accordance with the schedule provided in Chapter 4 of the 2012 $PM_{2.5}$ Plan as modified by Table F–1 in Attachment F to the 2015 Supplement, to achieve the emissions reductions shown therein, and to submit these rules and measures to CARB within 30 days of adoption for transmittal to the EPA as a revision to the SIP, as stated on pp. 7–8 of SCAQMD Governing Board Resolution 12–19 and modified by SCAQMD Governing Board Resolution 15–3, excluding all commitments pertaining to control measure IND–01 (Backstop Measures for Indirect Sources of Emissions from Ports and Port-Related Facilities); and

4. the general conformity budgets for years 2013–2030 listed in Appendix III, p. III–2–53 of the 2012 $PM_{2.5}$ Plan as

[34] 40 CFR 93.109(c)(1).

[35] 80 FR 77337 (December 14, 2015).

[36] *Id.* at 77339.

[37] 81 FR 1514 at 1520 (January 13, 2016).

meeting the requirements of the CAA and the general conformity rule.

Simultaneously, under CAA section 110(k)(3), the EPA is disapproving the following elements of the 2012 $PM_{2.5}$ Plan and 2015 Supplement:

1. The reasonably available control measures/reasonably available control technology (RACM/RACT) demonstration for failure to meet the requirements of CAA sections 172(c)(1) and 189(a)(1)(C); and

2. the reasonable further progress demonstration for failure to meet the requirements of CAA section 172(c)(2).

As a result of this disapproval, the offset sanction in CAA section 179(b)(2) will apply in the South Coast $PM_{2.5}$ nonattainment area 18 months after the effective date of this action and the highway funding sanctions in CAA section 179(b)(1) will apply in the area 6 months after the offset sanction is imposed. Neither sanction will apply if California submits and the EPA approves, prior to the implementation of the sanctions, SIP revisions that correct the deficiencies identified in this final action. Additionally, this disapproval action triggers an obligation on the EPA to promulgate a federal implementation plan unless California corrects the deficiencies, and the EPA approves the related plan revisions, within two years of this final action.

IV. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *http://www2.epa.gov/laws-regulations/laws-and-executive-orders.*

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA because this action does not impose additional requirements beyond those imposed by state law.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities beyond those imposed by state law.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action does not impose additional requirements beyond those imposed by state law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, will result from this action.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

F. Executive Order 13175: Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175, because the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction, and will not impose substantial direct costs on tribal governments or preempt tribal law. Thus, Executive Order 13175 does not apply to this action.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of "covered regulatory action" in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not impose additional requirements beyond those imposed by state law.

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act (NTTAA)

Section 12(d) of the NTTAA directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. The EPA believes that this action is not subject to the requirements of section 12(d) of the NTTAA because application of those requirements would be inconsistent with the CAA.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Population

The EPA lacks the discretionary authority to address environmental justice in this rulemaking.

K. Congressional Review Act (CRA)

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

L. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 13, 2016. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Ammonia, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide, Volatile organic compounds.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: March 15, 2016.

Jared Blumenfeld,

Regional Administrator, EPA Region 9.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart F—California

■ 2. Section 52.220 is amended by adding paragraphs (c)(439)(ii)(B)(*5*) and (c)(471) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(439) * * *

(ii) * * *

(B) * * *

(*5*) The following portions of the Final 2012 Air Quality Management Plan (December 2012): $PM_{2.5}$-related portions of chapter 4 ("Control Strategy and Implementation"); Appendix III ("Base and Future Year Emissions Inventory"); Appendix IV–A ("District's Stationary Source Control Measures"); and Appendix V ("Modeling and Attainment Demonstrations"). SCAQMD's commitments to adopt and implement specific rules and measures in accordance with the schedule provided in Chapter 4 of the 2012 $PM_{2.5}$ Plan as modified by Table F–1 in Attachment F to the 2015 Supplement, to achieve the emissions reductions shown therein, and to submit these rules and measures to CARB within 30 days of adoption for transmittal to EPA as a revision to the SIP, as stated on pp. 7–8 of SCAQMD Governing Board Resolution 12–19 and modified by SCAQMD Governing Board Resolution 15–3, excluding all commitments pertaining to control measure IND–01 (Backstop Measures for Indirect Sources of Emissions from Ports and Port-Related Facilities).

* * * * *

(471) The following plan was submitted on March 4, 2015, by the Governor's Designee.

(i) [Reserved]

(ii) Additional material.

(A) South Coast Air Quality Management District.

(*1*) "2015 Supplement to the 24-Hour $PM_{2.5}$ State Implementation Plan for the South Coast Air Basin" (February 2015), excluding Attachment C ("New Transportation Conformity Budgets for 2015"). SCAQMD's commitments to adopt and implement specific rules and measures in accordance with the schedule provided in Chapter 4 of the 2012 $PM_{2.5}$ Plan as modified by Table F–1 in Attachment F to the 2015 Supplement, to achieve the emissions reductions shown therein, and to submit these rules and measures to CARB within 30 days of adoption for transmittal to EPA as a revision to the SIP, as stated on pp. 7–8 of SCAQMD Governing Board Resolution 12–19 and modified by SCAQMD Governing Board Resolution 15–3, excluding all commitments pertaining to control measure IND–01 (Backstop Measures for Indirect Sources of Emissions from Ports and Port-Related Facilities).

(*2*) SCAQMD Governing Board Resolution No. 15–3, dated February 6, 2015.

(B) State of California Air Resources Board.

(*1*) CARB Resolution 15–2, dated February 19, 2015, "Minor Revision to the South Coast Air Basin 2012 $PM_{2.5}$ State Implementation Plan."

■ 3. Section 52.237 is amended by adding paragraph (a)(7) to read as follows:

§ 52.237 Part D disapproval.

(a) * * *

(7) The $PM_{2.5}$-related portions of Appendix VI ("Reasonably Available Control Measures (RACM) Demonstration") of the Final 2012 Air Quality Management Plan (December 2012), and Attachment D ("Updated RACM/RACT Analysis") to the 2015 Supplement to the 24-Hour $PM_{2.5}$ State Implementation Plan for the South Coast Air Basin (January 2015).

[FR Doc. 2016–08039 Filed 4–13–16; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 150903814–5999–02]

RIN 0648–XE499

Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; quota transfer.

SUMMARY: NMFS announces that the State of North Carolina is transferring a portion of its 2016 commercial summer flounder quota to the State of New Jersey and the Commonwealth of Massachusetts. These quota adjustments are necessary to comply with the Summer Flounder, Scup and Black Sea Bass Fishery Management Plan quota transfer provision. This announcement informs the public of the revised commercial quota for each state involved.

DATES: Effective April 13, 2016, through December 31, 2016.

FOR FURTHER INFORMATION CONTACT: Elizabeth Scheimer, Fishery Management Specialist, (978)-281–9236.

SUPPLEMENTARY INFORMATION: Regulations governing the summer flounder fishery are found in 50 CFR 648.100 through 648.110. The regulations require annual specification of a commercial quota that is apportioned among the coastal states from Maine through North Carolina. The process to set the annual commercial quota and the percent allocated to each state are described in § 648.102.

The final rule implementing Amendment 5 to the Summer Flounder Fishery Management Plan, as published in the **Federal Register** on December 17, 1993 (58 FR 65936), provided a mechanism for transferring summer flounder commercial quota from one state to another. Two or more states, under mutual agreement and with the concurrence of the NMFS Greater Atlantic Regional Administrator, can transfer or combine summer flounder commercial quota under § 648.102(c)(2). The Regional Administrator is required to consider the criteria in § 648.102(c)(2)(i)(A) through (C) in the evaluation of requests for quota transfers or combinations.

North Carolina is transferring 9,935 lb (4,506 kg) of summer flounder commercial quota to New Jersey and 7,350 lb (3,333 kg) of summer flounder commercial quota to Massachusetts. These transfers were requested by the State of North Carolina to repay landings by North Carolina permitted vessels that landed in other states under safe harbor agreements.

The revised summer flounder quotas for calendar year 2016 are now: North Carolina, 2,147,446 lb (974,065 kg); New Jersey, 1,381,879 lb (626,809 kg); and Massachusetts, 571,252 lb (259,115 kg) based on the initial quotas published in the 2016–2018 Summer Flounder, Scup and Black Sea Bass Specifications, (December 28, 2015, 80 FR 80689) and previous 2016 quota transfers (March 8, 2016, 81 FR 12030).

Classification

This action is taken under 50 CFR part 648 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: April 11, 2016.

Alan D. Risenhoover,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2016–08616 Filed 4–13–16; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 81, No. 72
Thursday, April 14, 2016

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–5589; Directorate Identifier 2014–NM–252–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 2012–20–07, for certain Airbus Model A318, A319, A320, and A321 series airplanes. AD 2012–20–07 currently requires revising the airworthiness limitations section (ALS) of the instructions for continued airworthiness (ICA) to incorporate new limitations for fuel tank systems, and revising the maintenance program to incorporate revised fuel maintenance and inspection tasks. Since we issued AD 2012–20–07, Airbus has issued more restrictive maintenance requirements and/or airworthiness limitations. This proposed AD would require revising the maintenance or inspection program to incorporate revised fuel airworthiness limitations. We are proposing this AD to prevent the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in a fuel tank explosion and consequent loss of the airplane.

DATES: We must receive comments on this proposed AD by May 31, 2016.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com*; Internet *http://www.airbus.com*. You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–5589; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Sanjay Ralhan, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1405; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA–2016–5589; Directorate Identifier 2014–NM–252–AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov*, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

On October 2, 2012, we issued AD 2012–20–07, Amendment 39–17213 (77 FR 63716, October 17, 2012) ("AD 2012–20–07"). AD 2012–20–07 requires actions intended to address an unsafe condition on all Model A319, A320, and A321 series airplanes.

Since we issued AD 2012–20–07, Airbus has issued A318/A319/A320/A321 Airworthiness Limitations Section (ALS) Part 5, Fuel Airworthiness Limitations, Revision 01, dated July 9, 2014, which contains more restrictive maintenance requirements and/or airworthiness limitations. The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2014–0260, dated December 5, 2014 (referred to after this as the Mandatory Continuing Airworthiness Information, or "the MCAI"), to correct an unsafe condition. The MCAI states:

> Prompted by an accident . . ., the Federal Aviation Administration (FAA) published Special Federal Aviation Regulation (SFAR) 88 [*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgFAR.nsf/0/EEFB3F94451DC06286256C93004F5E07?OpenDocument&Highlight=sfar 88*], and the Joint Aviation Authorities (JAA) published interim Policy INT/POL/25/12. In response to these regulations, Airbus conducted a design review to develop Fuel Airworthiness Limitations (FAL) for Airbus A320 family aeroplanes.
>
> The FAL were specified in Airbus A318/A319/A320/A321 FAL document ref. 95A.1931/05 at issue 04 for A318/A319/A320/A321 aeroplanes. This document was approved by the European Aviation Safety Agency (EASA) and is now referenced in Airbus A318/A319/A320/A321 ALS Part 5 to comply with EASA policy statement (EASA D2005/CPRO).
>
> Failure to comply with items as identified in Airbus A318/A319/A320/A321 ALS Part 5 could result in a fuel tank explosion and consequent loss of the aeroplane.
>
> For the reasons described above, this [EASA] AD retains the requirements of EASA AD 2011–0155R1 (*http://ad.easa.europa.eu/*

blob/easa_ad_2011_0155_R1_superseded.pdf/AD_2011-0155R1_1), which is superseded [and which corresponds to FAA AD 2012–20–07, Amendment 39–17213 (77 FR 63716, October 17, 2012)], and requires implementation of the new or more restrictive maintenance requirements and/or airworthiness limitations as specified in Airbus A318/A319/A320/A321 ALS Part 5 at Rev.01.

* * * * *

The required action is revising the maintenance or inspection program to incorporate revised fuel airworthiness limitations.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–5589.

Related Service Information Under 1 CFR Part 51

Airbus has issued A318/A319/A320/A321 ALS Part 5, Fuel Airworthiness Limitations, Revision 01, dated July 9, 2014. The service information describes fuel system airworthiness limitations. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

This proposed AD requires revisions to certain operator maintenance documents to include new actions (*e.g.*, inspections) and/or Critical Design Configuration Control Limitations (CDCCLs). Compliance with these actions and/or CDCCLs is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by this proposed AD, the operator may not be able to accomplish the actions described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance according to paragraph (n)(1) of this proposed AD. The request should include a description of changes to the required inspections that will ensure the continued operational safety of the airplane.

Notwithstanding any other maintenance or operational requirements, components that have been identified as airworthy or installed on the affected airplanes before accomplishing the revision of the airplane maintenance or inspection program or before accomplishing the revision of the Airworthiness Limitation Section (ALS) of the Instructions for Continued Airworthiness specified in this proposed AD, do not need to be reworked in accordance with the CDCCLs. However, once the airplane maintenance or inspection program or ALS has been revised as required by this proposed AD, future maintenance actions on these components must be done in accordance with the CDCCLs.

Differences Between This Proposed AD and the MCAI or Service Information

The MCAI specifies that if there are findings from the ALS inspection tasks, corrective actions must be accomplished in accordance with Airbus maintenance documentation. However, this proposed AD does not include that requirement. Operators of U.S.-registered airplanes are required by general airworthiness and operational regulations to perform maintenance using methods that are acceptable to the FAA. We consider those methods to be adequate to address any corrective actions necessitated by the findings of ALS inspections required by this proposed AD.

Explanation of Proposed Compliance Time

In most ADs, we adopt a compliance time allowing a specified amount of time after the AD's effective date or as specified by the MCAI, whichever is later. In this case, however, the MCAI compliance time has already expired. We have determined that an appropriate initial compliance time is 60 days for revising the maintenance or inspection program to incorporate the fuel airworthiness limitations (*e.g.*, life limits, tasks, and CDCCLs, and associated thresholds and intervals) described in Airbus A318/A319/A320/A321 ALS Part 5, Fuel Airworthiness Limitations, Revision 01, dated July 9, 2014. We find 60 days an appropriate compliance time to revise the maintenance or inspection program. The initial compliance times for the tasks are at the times specified in Airbus A318/A319/A320/A321 ALS Part 5, Fuel Airworthiness Limitations, Revision 01, dated July 9, 2014, or within 60 days, whichever is later. In developing the compliance time for this action, we considered the degree of urgency associated with addressing the unsafe condition. This difference has been coordinated with the EASA.

Airworthiness Limitations Based on Type Design

The FAA recently became aware of an issue related to the applicability of ADs that require incorporation of an ALS revision into an operator's maintenance or inspection program.

Typically, when these types of ADs are issued by civil aviation authorities of other countries, they apply to all airplanes covered under an identified type certificate (TC). The corresponding FAA AD typically retains applicability to all of those airplanes.

In addition, U.S. operators must operate their airplanes in an airworthy condition, in accordance with 14 CFR 91.7(a). Included in this obligation is the requirement to perform any maintenance or inspections specified in the ALS, and in accordance with the ALS as specified in 14 CFR 43.16 and 91.403(c), unless an alternative has been approved by the FAA.

When a type certificate is issued for a type design, the specific ALS, including revisions, is a part of that type design, as specified in 14 CFR 21.31(c).

The sum effect of these operational and maintenance requirements is an obligation to comply with the ALS defined in the type design referenced in the manufacturer's conformity statement. This obligation may introduce a conflict with an AD that requires a specific ALS revision if new airplanes are delivered with a later revision as part of their type design.

To address this conflict, the FAA has approved alternative methods of compliance (AMOCs) that allow operators to incorporate the most recent ALS revision into their maintenance/inspection programs, in lieu of the ALS revision required by the AD. This eliminates the conflict and enables the operator to comply with both the AD and the type design.

However, compliance with AMOCs is normally optional, and we recently became aware that some operators choose to retain the AD-mandated ALS revision in their fleet-wide maintenance/inspection programs, including those for new airplanes delivered with later ALS revisions, to help standardize the maintenance of the fleet. To ensure that operators comply with the applicable ALS revision for newly delivered airplanes containing a later revision than that specified in an AD, we plan to limit the applicability of ADs that mandate ALS revisions to those airplanes that are subject to an earlier revision of the ALS, either as part

of the type design or as mandated by an earlier AD.

This proposed AD therefore applies to the airplanes identified in paragraph (c) of this proposed AD with an original certificate of airworthiness or original export certificate of airworthiness that was issued on or before the date of approval of the ALS revision identified in this proposed AD. Operators of airplanes with an original certificate of airworthiness or original export certificate of airworthiness issued after that date must comply with the airworthiness limitations specified as part of the approved type design and referenced on the type certificate data sheet.

Record of Ex Parte Communication

In preparation of AD actions, it is the practice of the FAA to obtain technical information and information on the operational and economic impact from design approval holders and aircraft operators. We discussed certain issues related to this NPRM in a recent meeting with Airlines for America (A4A). Shortly after this NPRM is published, we will post a summary of this meeting in the rulemaking docket. For information on locating the docket, see "Examining the AD Docket."

Costs of Compliance

We estimate that this proposed AD affects 953 airplanes of U.S. registry.

The actions required by AD 2012–20–07, and retained in this proposed AD take about 4 work-hours per product, at an average labor rate of $85 per work-hour. Based on these figures, the estimated cost of the actions that are required by AD 2012–20–07 is $340 per product.

We also estimate that it would take about 1 work-hour per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $81,005, or $85 per product.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. "Subtitle VII: Aviation Programs," describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in "Subtitle VII, Part A, Subpart III, Section 44701: General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

1. Is not a "significant regulatory action" under Executive Order 12866;

2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);

3. Will not affect intrastate aviation in Alaska; and

4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2012–20–07, Amendment 39–17213 (77 FR 63716, October 17, 2012), and adding the following new AD:

Airbus: Docket No. FAA–2016–5589; Directorate Identifier 2014–NM–252–AD.

(a) Comments Due Date

We must receive comments by May 31, 2016.

(b) Affected ADs

This AD replaces AD 2012–20–07, Amendment 39–17213 (77 FR 63716, October 17, 2012) ("AD 2012–20–07").

(c) Applicability

This AD applies to the Airbus airplanes identified in paragraphs (c)(1) through (c)(4) of this AD, certificated in any category, with an original certificate of airworthiness or original export certificate of airworthiness issued on or before July 19, 2014.

(1) Model A318–111, –112, –121, and –122 airplanes.

(2) Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes.

(3) Model A320–211, –212, –214, –231, –232, and –233 airplanes.

(4) Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 05, Periodic inspections.

(e) Reason

This AD was prompted by Airbus issuing more restrictive maintenance requirements and/or airworthiness limitations. We are issuing this AD to prevent the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in a fuel tank explosion and consequent loss of the airplane.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Retained Revision of the Airworthiness Limitations Section (ALS) To Incorporate Fuel Maintenance and Inspection Tasks, With No Changes

This paragraph restates the requirements of paragraph (g) of AD 2012–20–07, with no changes. For Model A318–111 and –112 airplanes, and Model A319, A320, and A321 airplanes: Within 3 months after August 28, 2007 (the effective date of AD 2007–15–06 (72 FR 40222, July 24, 2007) ("AD 2007–15–06")), revise the ALS of the Instructions for Continued Airworthiness to incorporate Airbus A318/A319/A320/A321 ALS Part 5-Fuel Airworthiness Limitations, dated February 28, 2006, as defined in Airbus A318/A319/A320/A321 Fuel Airworthiness Limitations, Document 95A.1931/05, Issue 1, dated December 19, 2005 (approved by the European Aviation Safety Agency (EASA) on March 14, 2006), Section 1, "Maintenance/Inspection Tasks;" or Airbus A318/A319/A320/A321 Fuel Airworthiness Limitations, Document 95A.1931/05, Issue 2, dated July 8, 2008 (approved by the EASA on December 19, 2008), Section 1, "Maintenance/Inspection Tasks." For all tasks identified in Section 1 "Maintenance/Inspection Tasks," of Airbus A318/A319/A320/A321 Fuel Airworthiness Limitations, Document 95A.1931/05, Issue 1, dated December 19, 2005; or Issue 2, dated July 8, 2008; the initial compliance times start from August 28, 2007 (the effective date of AD 2007–15–06), and the repetitive inspections must be accomplished thereafter at the intervals specified in Section 1, "Maintenance/Inspection Tasks," of Airbus A318/A319/A320/A321 Fuel Airworthiness Limitations, Document 95A.1931/05, Issue 1, dated December 19, 2005; or Issue 2, dated July 8, 2008.

Note 1 to paragraph (g) of this AD: Airbus Operator Information Telex (OIT) SE 999.0076/06, dated June 20, 2006, provides guidance on identifying the applicable sections of the Airbus A318/A319/A320/A321 Airplane Maintenance Manual for accomplishing the tasks specified in Section 1 "Maintenance/Inspection Tasks," of Airbus A318/A319/A320/A321 Fuel Airworthiness Limitations, Document 95A.1931/05, Issue 1, dated December 19, 2005; or Issue 2, dated July 8, 2008.

(h) Retained Revision of the ALS to Incorporate Critical Design Configuration Control Limitations (CDCCLs), With No Changes

This paragraph restates the requirements of paragraph (h) of AD 2012–20–07, with no changes. For Airbus Model A318–111 and –112 airplanes, and Model A319, A320, and A321 airplanes: Within 12 months after August 28, 2007 (the effective date of AD 2007–15–06), revise the ALS of the Instructions for Continued Airworthiness to incorporate Airbus A318/A319/A320/A321 ALS Part 5–Fuel Airworthiness Limitations, dated February 28, 2006, as defined in Airbus A318/A319/A320/A321 Fuel Airworthiness Limitations, Document 95A.1931/05, Issue 1, dated December 19, 2005 (approved by the European Aviation Safety Agency (EASA) on March 14, 2006), Section 2, "Critical Design Configuration Control Limitations;" or Airbus A318/A319/A320/A321 Fuel Airworthiness Limitations, Document 95A.1931/05, Issue 2, dated July 8, 2008 (approved by EASA on December 19, 2008), Section 2, "Critical Design Configuration Control Limitations."

(i) Retained Requirement: No Alternative Inspections, Inspection Intervals, or CDCCLs, With No Changes

This paragraph restates the requirements of paragraph (i)(1) of AD 2012–20–07, with no changes.

Except as required by paragraph (l) of this AD and except as provided by paragraph (n)(1) of this AD: After accomplishing the actions specified in paragraphs (g) and (h) of this AD, no alternative inspections, inspection intervals, or CDCCLs may be used.

(j) Retained Revision of the Maintenance Program, With Specific Delegation Approval Language in Paragraph (j)(4) of This AD

This paragraph restates the requirements of paragraph (j) of AD 2012–20–07, with specific delegation approval language in paragraph (j)(4) of this AD. Within 6 months after November 21, 2012 (the effective date of AD 2012–20–07): Revise the maintenance program to incorporate the new or revised tasks, life limits, and CDCCLs specified in Airbus A318/A319/A320/A321 Fuel Airworthiness Limitations, Document 95A.1931/05, Issue 4, dated August 26, 2010, except as required in paragraph (j)(4) of this AD. The initial compliance times and intervals are stated in this ALS document, except as required in paragraphs (j)(1) through (j)(4) of this AD, or within 6 months after November 21, 2012, whichever occurs later. For certain tasks, the compliance times depend on the pre-modification and post-modification status of the airplane. Incorporating the requirements of this paragraph terminates the corresponding requirements of paragraphs (g) and (h) of this AD only.

(1) For airplanes for which the first flight occurred before August 28, 2007 (the effective date of AD 2007–15–06), the first accomplishment of Tasks 281800–01–1, Functional Check of Tank Vapour Seal and Vent Drain System; and 281800–02–1, Detailed Inspection of Vapour Seal; must be performed no later than 11 months after November 21, 2012 (the effective date of AD 2012–20–07).

(2) The first accomplishment of Tasks 470000–01–1, Operational Check of Dual Flapper Shutoff Valves (DFSOV), Dual Flapper Check Valves and Nitrogen Enriched Air (NEA) Line for Leaks; 470000–02–1, Operational Check of Both Dual Flapper Check Valves for Leaks; 470000–03–1, Operational Check of Dual Flapper Check Valves for Reverse Flow and NEA Line for Leaks; 470000–04–1, Operational Check of Dual Flapper Check Valves for Reverse Flow; and 470000–05–1, Remove Air Separation Module (ASM) and Return to Vendor for Workshop Check; must be calculated, in accordance with paragraph (j)(2)(i) or (j)(2)(ii) of this AD.

(i) From the airplane first flight for airplanes on which Airbus modification 38062 or 38195 has been embodied in production.

(ii) From the in-service installation of the fuel tank inerting system specified in Airbus Service Bulletin A320–47–1001, Airbus Service Bulletin A320–47–1002, Airbus Service Bulletin A320–47–1003, Airbus Service Bulletin A320–47–1004, Airbus Service Bulletin A320–47–1006, or Airbus Service Bulletin A320–47–1007.

(3) Although Airbus A318/A319/A320/A321 Fuel Airworthiness Limitations, Document 95A.1931/05, Issue 4, dated August 26, 2010, does not refer to Airbus Service Bulletin A320–47–1006 and Airbus Service Bulletin A320–47–1007, the tasks apply as specified in paragraphs (j)(3)(i) through (j)(3)(iv) of this AD.

(i) Tasks 470000–01–1, Operational Check of DFSOV, Dual Flapper Check Valves and NEA Line for Leaks; and 470000–02–1, Operational Check of Both Dual Flapper Check Valves for leaks; apply to airplanes that have previously accomplished the actions specified in Airbus Service Bulletin A320–47–1007.

(ii) Task 470000–03–1, Operational Check of Dual Flapper Check Valves for Reverse Flow and NEA Line for Leaks, applies to airplanes that have previously accomplished the actions specified in Airbus Service Bulletin A320–47–1006, and that have not accomplished the actions specified in Airbus Service Bulletin A320–47–1007.

(iii) Task 470000–04–1, Operational Check of Dual Flapper Check Valves for Reverse Flow, applies to airplanes in post-modification 38195 configuration and that have not accomplished the actions specified in Airbus Service Bulletin A320–47–1007.

(iv) Task 470000–05–1, Remove ASM and return to Vendor for Workshop Check, applies to airplanes that have previously accomplished the actions specified in Airbus Service Bulletin A320–47–1007, and are in pre-modification 151529 configuration.

(4) Replace each ASM identified in table 1 to paragraph (j)(4) of this AD in accordance with a method approved by either the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or EASA (or its delegated agent); or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA). The compliance time for the replacement is before the accumulation of 27,000 total flight hours (component time)—*i.e.*, the life limitation.

Note 2 to paragraph (j)(4) of this AD: Airbus A318/A319/A320/A321 Aircraft Maintenance Manual Task 47–10–43–920–001–A, Air Separation Module Replacement, is an additional source of guidance for accomplishment of the removal and replacement of the ASM.

TABLE 1 TO PARAGRAPH (j)(4) OF THIS AD—ASM REPLACEMENT

Affected Airplane configuration—	ASM Part No.—
Post-modification 38062	2060017–101
Post-Airbus Service Bulletin A320–47–1002	2060017–101
Post-Airbus Service Bulletin A320–47–1004	2060017–101
Post-Airbus Service Bulletin A320–47–1007	2060017–101
Post-modification 152033	2060017–102
Post-Airbus Service Bulletin A320–47–1011	2060017–102

(k) Retained Requirement: No Alternative Actions, Intervals, and/or CDCCLs, With No Changes

This paragraph restates the requirements of paragraph (k) of AD 2012–20–07, with no changes. Except as required by paragraph (l) of this AD, after accomplishing the revisions required by paragraph (j) of this AD, no alternative actions (*e.g.*, inspections), intervals, and/or CDCCLs may be used other than those specified in Airbus A318/A319/A320/A321 ALS Part 5–Fuel Airworthiness Limitations, dated February 28, 2006, as defined in Airbus A318/A319/A320/A321 Fuel Airworthiness Limitations, Document 95A.1931/05, Issue 4, dated August 26, 2010, unless the actions, intervals, and/or CDCCLs are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (n)(1) of this AD.

(l) New Requirement of This AD: Revise the Maintenance or Inspection Program

Within 60 days after the effective date of this AD, revise the maintenance or inspection program, as applicable, by incorporating the fuel airworthiness limitations (*e.g.*, life limits, tasks, and CDCCLs, and associated thresholds and intervals) described in Airbus A318/A319/A320/A321 ALS Part 5, Fuel Airworthiness Limitations, Revision 01, dated July 9, 2014. The initial compliance times for the tasks are at the times specified in Airbus A318/A319/A320/A321 ALS Part

5, Fuel Airworthiness Limitations, Revision 01, dated July 9, 2014, or within 60 days after the effective date of this AD, whichever occurs later. Incorporating the requirements of this paragraph terminates the requirements of paragraphs (g) through (k) of this AD.

(m) New Requirement of This AD: No Alternative Actions, Intervals, or CDCCLs

After the maintenance or inspection program has been revised as required by paragraph (l) of this AD, no alternative actions (*e.g.*, inspections), intervals, or CDCCLs may be used unless the actions, intervals, or CDCCLs are approved as an AMOC in accordance with the procedures specified in paragraph (n)(1) of this AD.

(n) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Sanjay Ralhan, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1405; fax 425–227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.*

(i) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(ii) AMOCs approved previously in accordance with for AD 2012–20–07, are approved as AMOCs for the corresponding provisions of this AD.

(2) *Contacting the Manufacturer:* As of the effective date of this AD, for any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or EASA; or Airbus's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(o) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2014–0260, dated December 5, 2014, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–5589.

(2) For service information identified in this AD, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.* You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on March 31, 2016.

Victor Wicklund,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2016–08367 Filed 4–13–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–5590; Directorate Identifier 2016–NM–018–AD]

RIN 2120–AA64

Airworthiness Directives; Bombardier Inc. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Bombardier, Inc. Model CL–600–2B19 (Regional Jet Series 100 & 440), CL–600–2C10 (Regional Jet Series 700, 701, & 702), CL–600–2D15 (Regional Jet Series 705), CL–600–2D24 (Regional Jet Series 900), and CL–600–2E25 (Regional Jet Series 1000) airplanes. This proposed AD was prompted by reports of undesirable changes in the Reference Airspeed (RAS) Bug, occurring during flight without pilot input. This proposed AD would require replacing the flight control computer (FCC). We are proposing this AD to prevent uncommanded pitch changes, which could result in deviation from a safe flight path.

DATES: We must receive comments on this proposed AD by May 31, 2016.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–5000; fax 514–855–7401; email *thd.crj@aero.bombardier.com;* Internet *http://www.bombardier.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–5590; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Assata Dessaline, Aerospace Engineer, Avionics and Services Branch, ANE–172, FAA, New York Aircraft Certification Office (ACO), 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7301; fax 516–794–5531.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA–2016–5590; Directorate Identifier 2016–NM–018–AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF–2016–02,

dated January 20, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or "the MCAI"), to correct an unsafe condition for certain Bombardier, Inc. Model CL–600–2B19 (Regional Jet Series 100 & 440), CL–600–2C10 (Regional Jet Series 700, 701, & 702), CL–600–2D15 (Regional Jet Series 705), CL–600–2D24 (Regional Jet Series 900), and CL–600–2E25 (Regional Jet Series 1000) airplanes. The MCAI states:

> There have been numerous reports of uncommanded changes in the Reference Airspeed (RAS) Bug during flight. When the Auto Flight Control System (AFCS) is in a speed mode (CLB, DES, IAS or MACH), the flight director will show vertical guidance to achieve or maintain the reference airspeed. If the autopilot is engaged, the aeroplane will automatically follow that vertical guidance and cause the aeroplane to pitch up or pitch down. Investigation revealed that this uncommanded reference airspeed changes were caused by the FCC that did not correctly read the input data from the Input/Output Concentrator. If not corrected, these uncommanded pitch changes could create hazard for continued safe flight. This [Canadian] AD mandates installation of a new filter to the Input/Output Circuit Card in the FCC.

Uncommanded pitch changes, if not corrected, could result in deviation from a safe flight path. Corrective actions include replacing the FCC. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–5590.

Related Service Information Under 1 CFR Part 51

We reviewed Bombardier Service Bulletin 601R–22–018, Revision A, dated November 3, 2015; and Service Bulletin 670BA–22–009, dated August 7, 2015. The service information describes procedures for replacing the FCCs. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

Costs of Compliance

We estimate that this proposed AD affects 1,008 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replace FCC	3 work-hours × $85 per hour = $255 per airplane.	$2,800	$3,055	$3,079,440

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. "Subtitle VII: Aviation Programs," describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in "Subtitle VII, Part A, Subpart III, Section 44701: General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

Bombardier Inc.: Docket No. FAA–2016–5590; Directorate Identifier 2016–NM–018–AD.

(a) Comments Due Date

We must receive comments by May 31, 2016.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc. Model CL–600–2B19 (Regional Jet Series 100 & 440), CL–600–2C10 (Regional Jet Series 700, 701, & 702), CL–600–2D15 (Regional Jet Series 705), CL–600–2D24 (Regional Jet Series 900), and CL–600–2E25 (Regional Jet Series 1000) airplanes, certificated in any category, all serial numbers, that are equipped with a flight control computer (FCC) with a part number and serial number listed in paragraph 1A., Effectivity, of Bombardier Service Bulletin 601R–22–018, Revision A, dated November 3, 2015; or Service Bulletin 670BA–22–009, dated August 17, 2015.

(d) Subject

Air Transport Association (ATA) of America Code 22, Auto Flight.

(e) Reason

This AD was prompted by reports of undesirable changes in the Reference Airspeed (RAS) bug, occurring during flight without pilot input. We are issuing this AD to prevent uncommanded pitch changes, which could result in deviation from a safe flight path.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Replace the FCC for Certain Airplanes

Within 33 months after the effective date of this AD: Remove the FCC from the integrated avionic processor system (IAPS) and replace the FCC in accordance with the Accomplishment Instructions of the applicable service information in paragraph (g)(1) or (g)(2) of this AD:

(1) Bombardier Service Bulletin 601R–22–018, Revision A, dated November 3, 2015; or

(2) Bombardier Service Bulletin 670BA–22–009, dated August 17, 2015.

(h) Parts Installation Limitation

As of 12 months after the effective date of this AD, no person may install any FCC having a part or serial number identified in Bombardier Service Bulletin 601R–22–018, Revision A, dated November 3, 2015; or Bombardier Service Bulletin 670BA–22–009, dated August 17, 2015, unless "SB 50" is marked on the FCC modification chart (MOD chart).

(i) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Bombardier Service Bulletin SB 601R–22–018, dated August 17, 2015.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York Aircraft Certification Office (ACO), ANE–170, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the New York ACO, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, New York ACO, ANE–170, FAA; or Transport Canada Civil Aviation (TCCA); or Bombardier, Inc.'s TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian Airworthiness Directive CF–2016–02, dated January 20, 2016, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–5590.

(2) For service information identified in this AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–5000; fax 514–855–7401; email *thd.crj@aero.bombardier.com;* Internet *http://www.bombardier.com.* You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on April 5, 2016.

Suzanne Masterson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2016–08533 Filed 4–13–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 30

[167A2100DD/AAKC001030/A0A501010.999900 253G]

Notice of Intent To Establish a Negotiated Rulemaking Committee

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Reopening of comment period.

SUMMARY: On November 9, 2015, the Bureau of Indian Education (BIE) published a notice of intent requesting comments and nominations for Tribal representatives for the Accountability Negotiated Rulemaking Committee (Committee). The comment period for this notice of intent closed December 24, 2015. The BIE is reopening the comment period for Tribes to nominate individuals for membership on the Committee and is expanding the scope of what the Committee will address. The BIE also solicits comments on the proposal to establish the Committee, including comments on additional interests not identified in this notice of intent and comments on the expansion of the scope of the Committee.

DATES: Submit nominations for Committee members or written comments on this notice of intent on or before May 31, 2016.

ADDRESSES: You may submit nominations for Committee members or written comments on this notice of intent by any of the following methods:

- Send comments or nominations to Ms. Sue Bement, Designated Federal Officer, Bureau of Indian Education, 1011 Indian School Road NW., Suite 332, Albuquerque, New Mexico 87104; email: *AYPcomments@bia.gov;* Telephone: (505) 563–5274; Fax: (505) 563–5281; or
- Hand-carry comments or use an overnight courier service to Manuel Lujan Jr. Building, Building II, Suite 332, 1011 Indian School Road NW., Suite 332, Albuquerque, New Mexico 87104.

FOR FURTHER INFORMATION CONTACT: Ms. Sue Bement, Designated Federal Officer; Telephone: (505) 563–5274; Fax (505) 563–5281.

SUPPLEMENTARY INFORMATION:

I. Background

On November 9, 2015, we published a notice of intent requesting nominations for a negotiated rulemaking committee to recommend revisions to the existing regulations for BIE's accountability system (80 FR 69161). In that notice of intent, the BIE solicited nominations from Tribes whose students attend BIE-funded schools operated either by BIE or by the Tribe through a contract or grant, to nominate Tribal representatives to serve on the Committee and Tribal alternates to serve when the representative is unavailable.

Since that time, the Every Student Succeeds Act (ESSA), Public Law 114–95, has become law requiring an update to the subject, scope, and issues that the Committee will address.

II. Every Student Succeeds Act (ESSA)

The ESSA reauthorizes and amends the Elementary and Secondary Education Act of 1965 (ESEA). ESSA Section 8007(2) directs the Secretary of the Interior, in consultation with the Secretary of Education, if so requested, to use a negotiated rulemaking process to develop regulations for implementation no later than the 2017–2018 academic year. The regulations will define the standards, assessments, and accountability system consistent with Section 1111 of the ESEA, for BIE-funded schools on a national, regional, or Tribal basis. The regulations will be developed in a manner that considers the unique circumstances and needs of such schools and the students served by such schools.

ESSA Section 8007(2) also provides that if a Tribal governing body or school board of a BIE-funded school determines the requirements established by the Secretary of the Interior are inappropriate, they may waive, in part or in whole, such requirements. Where such requirements are waived, the Tribal governing body or school board shall, within 60 days, submit to the Secretary of the Interior a proposal for alternative standards, assessments, and an accountability system, if applicable, consistent with ESEA Section 1111. The proposal must take into account the unique circumstances and needs of the school or schools and the students served. The proposal will be approved by the Secretary of the Interior and the Secretary of Education, unless the Secretary of Education determines that the standards, assessments, and accountability system do not meet the requirements of ESEA Section 1111. Additionally, a Tribal governing body or school board of a BIE-funded school seeking a waiver may request, and the Secretary of the Interior and the Secretary of Education will provide, technical assistance.

Due to the statutory changes described above, we are expanding the scope of the negotiated rulemaking committee to receive recommendations and revise our current regulations (25 CFR part 30). This document provides notice that we are expanding the scope and reopens the comment period for: (1) Nominations of individuals for membership on the Committee and (2) comments on the proposal to establish the Committee, including comments on additional interests not identified in this notice of intent and comments on the expansion of the scope of the Committee.

III. The Committee and Its Process

The BIE encourages Tribal self-determination in Native education, encouraging Tribes to develop alternative standards, assessments, and an accountability system and providing technical assistance.

The negotiated rulemaking committee would be charged, consistent with Section 8007, to provide recommendations that encourage the exercise of the authority of Tribes to adopt their own standards, assessments, and an accountability system. Additionally, the Committee will be asked to provide recommendations on how BIE could best provide technical assistance under Section 8007(2).

IV. Nominations

Each nomination is expected to include a nomination for a representative and an alternate who can fulfill the obligations of membership should the representative be unable to attend. The Committee membership should also reflect the diversity of Tribal interests, and Tribes should nominate representatives and alternates who will:

- Have knowledge of school assessments and accountability systems;
- Have relevant experience as past or present superintendents, principals, teachers, or school board members, or possess direct experience with Adequate Yearly Progress (AYP);
- Be able to coordinate, to the extent possible, with other Tribes and schools who may not be represented on the Committee;
- Be able to represent the Tribe(s) with the authority to embody Tribal views, communicate with Tribal constituents, and have a clear means to reach agreement on behalf of the Tribe(s);
- Be able to negotiate effectively on behalf of the Tribe(s) represented;
- Be able to commit the time and effort required to attend and prepare for meetings; and
- Be able to collaborate among diverse parties in a consensus-seeking process.

We will consider nominations for Tribal committee representatives only if they are nominated through the process identified in this notice of intent and in the **Federal Register** notice of intent at 80 FR 69161. We will not consider any nominations that we receive in any other manner. We will also not consider nominations for Federal representatives. Only the Secretary may nominate Federal employees to the Committee.

Based upon the proportionate share of students (see Section V of **Federal Register** notice of intent at 80 FR 69161), some Tribes similar in affiliation or geography are grouped together for one seat. It will be necessary for such nominating Tribes either to co-nominate a single tribal representative to represent the multi-tribal jurisdiction or for each Tribe in the multi-tribal jurisdiction to nominate a representative with the knowledge that BIE will be able to appoint only one of the nominees who will then be responsible for representing the entire multi-tribal jurisdiction on the Committee.

Nominations must include the following information about each nominee:

(1) A letter from the Tribe supporting the nomination of the individual to serve as a Tribal representative for the Committee;

(2) A resume reflecting the nominee's qualifications and experience in Indian education; resume to include the nominee's name, Tribal affiliation, job title, major job duties, employer, business address, business telephone and fax numbers (and business email address, if applicable);

(3) The Tribal interest(s) to be represented by the nominee (see Section IV, Part F of **Federal Register** notice of intent at 80 FR 69161) and whether the nominee will represent other interest(s) related to this rulemaking, as the Tribe may designate; and

(4) A brief description of how the nominee will represent Tribal views, communicate with Tribal constituents, and have a clear means to reach agreement on behalf of the Tribe(s) they are representing.

(5) A statement on whether the nominee is only representing one Tribe's views or whether the expectation is that the nominee represents a specific group of Tribes.

To be considered, nominations must be received by the close of business on the date listed in the **DATES** section, at the location indicated in the **ADDRESSES** section.

If you already submitted a nomination prior to the December 24, 2015, deadline, your application will still be considered.

Certification

For the above reasons, I hereby certify that the Accountability Negotiated Rulemaking Committee is in the public interest.

Dated: April 6, 2016.

Lawrence S. Roberts,

Acting Assistant Secretary–Indian Affairs.

[FR Doc. 2016–08629 Filed 4–13–16; 8:45 am]

BILLING CODE 4337–15–P

POSTAL REGULATORY COMMISSION

39 CFR Part 3050

[Docket No. RM2016–7; Order No. 3225]

Periodic Reporting

AGENCY: Postal Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission is noticing a recent filing requesting that the Commission initiate an informal rulemaking proceeding to consider changes to analytical principles relating to periodic reports (Proposal One). This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* May 20, 2016. *Reply Comments are due:* June 6, 2016.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov*. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. Summary of Proposal
III. Initial Commission Action
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I. Introduction

On April 5, 2016, the Postal Service filed a petition pursuant to 39 CFR 3050.11 requesting that the Commission initiate an informal rulemaking proceeding to consider a proposed change in analytical principles relating to periodic reports.[1] The Petition includes a description of Proposal One and several attachments. Petition at 1.

Proposal One seeks the Commission's authorization of a change in the current methodology for reporting revenue, pieces, and weight in the Revenue, Pieces, and Weight (RPW) report[2] for specified international outbound products. *Id.*

II. Summary of Proposal

The proposed methodology and program changes relate to the System for International Revenue and Volume, Outbound, and International Origin Destination Information System (SIRVO) as it relates to RPW reporting for the outbound international product categories in Table 1. *Id.* at 2–3.

TABLE 1—LIST OF AFFECTED OUTBOUND INTERNATIONAL PRODUCT CATEGORIES

Market dominant	Competitive
Outbound First-Class Mail International	Outbound Priority Mail International.
U.S. Postal Service Mail	Outbound Direct Sacks (M-bags).
Free Mail	First-Class Package International Service.
International Ancillary Services	International Ancillary Services.

Source: Petition at 2–3.

Under Proposal One, the Postal Service seeks to enhance the data and estimates of the SIRVO. *Id.* at 2. The current SIRVO estimator of revenue and pieces is a probability-based statistical expansion estimator, which uses sample data. *Id.* at 3. The proposed SIRVO estimator would be a model-based regression estimator, based on census data. *Id.* at 5. This proposed estimator would also include census data from additional sources at a more granular level. *Id.* at 7.

The Postal Service asserts that adoption of this proposal will significantly reduce the margins of error for product revenues and volumes. *Id.* at 10. These improvements will primarily affect estimates for Priority Mail International, First-Class Mail International, and First-Class Package International Service. *Id.*

The Postal Service further asserts that "approximately 50 percent of the revenue . . . of the proposed SIRVO's product estimates for FY2015 are based upon census data sources." *Id.* at 8. Proposal One would not affect the amount of total FY 2015 revenue, but total competitive revenue would increase, with a corresponding decrease in market dominant revenue. *Id.* at 8–9. Total FY 2015 volume would increase, with competitive volumes increasing and market dominant volumes decreasing. *Id.*

III. Initial Commission Action

The Commission establishes Docket No. RM2016–7 for consideration of matters raised by the Petition. Additional information concerning the Petition may be accessed via the Commission's Web site at *http://www.prc.gov*. Interested persons may submit comments on the Petition and Proposal One no later than May 20, 2016. Reply comments are due no later than June 6, 2016. Pursuant to 39 U.S.C. 505, Cassie D'Souza is designated as an officer of the Commission to represent the interests of the general public (Public Representative) in this proceeding.

IV. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. RM2016–7 for consideration of the matters raised by the Petition of the United States Postal Service Requesting Initiation of a Proceeding to Consider Proposed Changes in Analytical Principles (Proposal One), filed April 5, 2016.

2. Comments are due no later than May 20, 2016. Reply comments are due no later than June 6, 2016.

3. Pursuant to 39 U.S.C. 505, the Commission appoints Cassie D'Souza to serve as Public Representative in this docket.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Stacy L. Ruble,

Secretary.

[FR Doc. 2016–08591 Filed 4–13–16; 8:45 am]

BILLING CODE 7710–FW–P

[1] Petition of the United States Postal Service Requesting Initiation of a Proceeding to Consider Proposed Changes in Analytical Principles (Proposal One), April 5, 2016 (Petition). Attachment A provides a detailed description of the proposal. Attachment B provides product-level impacts. Attachment C is a technical note on the proposed system estimator. The Postal Service filed a non-public version of Attachment B. Notice of Filing of USPS–RM2016–7/NP1 and Application for Nonpublic Treatment, April 5, 2016.

[2] The RPW is filed quarterly with the Commission pursuant to 39 CFR 3050.25. *Id.* at 3.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R4–ES–2015–0129; 4500030113]

RIN 1018–BA93

Endangered and Threatened Wildlife and Plants; Threatened Species Status for Platanthera integrilabia (White Fringeless Orchid)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of the comment period.

SUMMARY: On September 15, 2015, we, the U.S. Fish and Wildlife Service (Service), announced a proposed rule to list *Platanthera integrilabia* (white fringeless orchid), a plant species from Alabama, Georgia, Kentucky,

Mississippi, South Carolina, and Tennessee, as a threatened species under the Endangered Species Act of 1973, as amended (Act). We now announce that we are reopening the comment period for the proposed rule, in order to completely satisfy the notification requirements under the Act.

DATES: We will accept comments received or postmarked on or before June 13, 2016. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES**, below) must be received by 11:59 p.m. Eastern Time on the closing date. We must receive requests for public hearings, in writing, at the address shown in **FOR FURTHER INFORMATION CONTACT** by May 31, 2016.

ADDRESSES: You may submit comments by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: *http://www.regulations.gov.* In the Search box, enter FWS–R4–ES–2015–0129, which is the docket number for this rulemaking. Then, in the Search panel on the left side of the screen, under the Document Type heading, click on the Proposed Rules link to locate this document. You may submit a comment by clicking on "Comment Now!"

(2) *By hard copy:* Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS–R4–ES–2015–0129; U.S. Fish and Wildlife Service, MS: BPHC, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

We request that you send comments only by the methods described above. We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see Information Requested, below, for more information).

FOR FURTHER INFORMATION CONTACT: Mary Jennings, Field Supervisor, U.S. Fish and Wildlife Service, Tennessee Ecological Services Field Office, 446 Neal Street, Cookeville, TN 38501; by telephone 931–528–6481; or by facsimile 931–528–7075. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Background

On September 15, 2015, we published in the **Federal Register** a proposed rule to list *Platanthera integrilabia* (white fringeless orchid) as a threatened species under the Endangered Species Act (80 FR 55304). However, we have since determined that we did not completely satisfy the notice requirements of 16 U.S.C. 1533(b)(5) at the time of publication. Therefore, in order to ensure that we follow the proper procedures for notification in accordance with 16 U.S.C. 1533(b)(5), so that there is adequate opportunity to review and comment on the proposed rule, we are reopening the comment period for an additional 60 days.

Information Requested

We intend that any final action resulting from this proposed rule will be based on the best scientific and commercial data available and be as accurate and as effective as possible. Therefore, we request comments or information from other concerned governmental agencies, Native American tribes, the scientific community, industry, or any other interested parties concerning this proposed rule. Please see the Information Requested section of the September 15, 2015, proposed listing rule (80 FR 55304) for a list of the topics on which we particularly seek comment.

For more background on our proposed rule, see the September 15, 2015, **Federal Register** (80 FR 55304), which is available at the Federal eRulemaking Portal at *http://www.regulations.gov* (see **ADDRESSES**).

If you previously submitted comments or information on the proposed rule, please do not resubmit them. We have incorporated them into the public record, and we will fully consider them in our final rulemaking. Our final determination concerning this proposed rulemaking will take into consideration all written comments and any additional information we receive.

Please note that submissions merely stating support for or opposition to the action under consideration without providing supporting information, although noted, will not be considered in making a determination, as section 4(b)(1)(A) of the Act directs that determinations as to whether any species is an endangered or threatened species must be made "solely on the basis of the best scientific and commercial data available."

You may submit your comments and materials concerning the proposed rule by one of the methods listed in **ADDRESSES.** We request that you send comments only by the methods described in **ADDRESSES.**

If you submit information via *http://www.regulations.gov,* your entire submission—including any personal identifying information—will be posted on the Web site. If your submission is made via a hardcopy that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy submissions on *http://www.regulations.gov.* Please include sufficient information with your comments to allow us to verify any scientific or commercial information you include.

Comments and materials we receive, as well as supporting documentation we used in preparing the proposed rule, will be available for public inspection on *http://www.regulations.gov,* or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Tennessee Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Because we will consider all comments and information received during the public comment periods, our final determinations may differ from the proposal.

Public Hearing

Section 4(b)(5) of the Act provides for one or more public hearings on this proposal, if requested. Requests must be received by the date specified above in **DATES.** Such requests must be sent to the address shown in **FOR FURTHER INFORMATION CONTACT.** We will schedule public hearings on this proposed rule, if any are requested, and announce the dates, times, and places of those hearings, as well as how to obtain reasonable accommodations, in the **Federal Register** and local newspapers at least 15 days before the hearing.

Authority: The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: April 5, 2016.

Noah Matson,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 2016–08615 Filed 4–13–16; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 160222132–6132–01]

RIN 0648–BF77

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery of the Gulf of Mexico; Amendment 17A

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes regulations to implement Amendment 17A to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico (FMP), as prepared and submitted by the Gulf of Mexico (Gulf) Fishery Management Council (Council). This proposed rule would extend the current Gulf commercial shrimp permit moratorium. The intent of this proposed rule and Amendment 17A is to protect federally managed Gulf shrimp stocks while promoting catch efficiency, economic efficiency, and stability in the fishery.

DATES: Written comments must be received on or before May 16, 2016.

ADDRESSES: You may submit comments on the proposed rule, identified by "NOAA–NMFS–2016–0018" by either of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2016-0018*, click the "Comment Now!" icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Susan Gerhart, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.*, name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous).

Electronic copies of Amendment 17A, which includes an environmental assessment, a Regulatory Flexibility Act analysis, and a regulatory impact review, may be obtained from the Southeast Regional Office Web site at *http://sero.nmfs.noaa.gov/sustainable_fisheries/gulf_fisheries/shrimp/2016/am17a/index.html*.

FOR FURTHER INFORMATION CONTACT: Susan Gerhart, telephone: 727–824–5305, or email: *Susan.Gerhart@noaa.gov*.

SUPPLEMENTARY INFORMATION: The shrimp fishery in the Gulf is managed under the FMP. The FMP was prepared by the Council and implemented through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

Management Measure Contained in This Proposed Rule

This proposed rule would extend the Gulf shrimp permit moratorium until October 26, 2026. In 2002, through Amendment 11 to the FMP, the Council established a Federal commercial permit for all vessels harvesting shrimp from Federal waters of the Gulf (67 FR 51074, August 7, 2002). That permit was a Federal open access permit for Gulf shrimp. Approximately 2,951 vessels had been issued these open access permits by 2006. After the establishment of the permit, the shrimp fishery experienced economic losses, primarily because of high fuel costs and reduced shrimp prices caused by competition from imports. These economic losses resulted in decreasing numbers of vessels in the fishery, and consequently, reduction of effort. The Council determined that the number of vessels would likely decline to a point where the fishery again would become profitable for the remaining participants, and new vessels might want to enter the fishery. That additional effort could negate, or at least lessen, profitability for the fleet as a whole. Consequently, through Amendment 13 to the FMP, the Council established a 10-year moratorium on the issuance of new Federal commercial shrimp vessel permits (71 FR 56039, September 26, 2006). The moratorium on permits indirectly controls shrimping effort in federal waters and thereby bycatch levels. Allowing the moratorium to expire would remove this control. The moratorium on permits also indirectly controls shrimping effort in Federal waters and thereby, bycatch levels of juvenile red snapper and sea turtles. The final rule implementing the moratorium was effective October 26, 2006, and the moratorium permits became effective in March 2007. Extending the moratorium for an additional 10 years until October 26, 2026, is expected to maintain the biological, social, and economic benefits to the shrimp fishery achieved under the moratorium permit over the past 10 years.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with Amendment 17A, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that this rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The factual basis for this determination is as follows.

The current moratorium on Gulf shrimp permits became effective on October 26, 2006 (71 FR 56039, September 26, 2006). This proposed rule, if implemented, would extend the current moratorium on Federal Gulf shrimp permits until October 26, 2026. The purpose of this proposed rule is to maintain the biological, social, and economic benefits to the Gulf shrimp fishery achieved under the current moratorium. The objectives of this proposed rule are to protect federally managed Gulf shrimp stocks, and promote catch efficiency, economic efficiency, and stability in the Gulf shrimp fishery. The Magnuson-Stevens Act serves as the legal basis for the rule.

This action is expected to directly regulate businesses that possess Federal Gulf shrimp moratorium permits. As of September 21, 2015, there were 1,464 vessels with valid or renewable Gulf shrimp moratorium permits. Although some permits are thought to be held by businesses with the same or substantively the same individual owners, and thus would likely be considered affiliated, ownership data for Gulf shrimp permit holders is incomplete and thus it is not currently feasible to accurately determine whether businesses that have these permits are in fact affiliated. NMFS is currently making changes to its permit application forms so that such determinations can be accurately made for future regulatory actions in this fishery. As a result of the incomplete ownership data, for purposes of this analysis, it is assumed each vessel is independently owned by a single business, which will result in an overestimate of the actual number of businesses directly regulated by this proposed rule. Thus, the number of businesses directly regulated by this proposed rule is estimated to be 1,464.

Based on landings and economic data from 2013, which is the most current year for which complete economic data

is available, all of these businesses are thought to be primarily engaged in shellfish harvesting activities (*e.g.*, Gulf shrimp, South Atlantic shrimp, and Atlantic sea scallops fisheries). In 2013, the primary source of gross revenue for approximately 84 percent of these businesses was landings from one or more of these shellfish fisheries, while the other 16 percent did not have commercial landings in any fishery. It is common for a certain percentage of businesses with Gulf shrimp permits to be commercially inactive in a given year, because of economic conditions in the Gulf shrimp fishery, other fisheries, or other industries (*e.g.*, oil and gas) in which these businesses, their owners, and their crew sometimes participate. Some businesses may have also been inactive due to issues associated with the Deepwater Horizon MC252 event in 2010 and subsequent payouts from British Petroleum (BP). NMFS only possesses data on such payouts and other transfer payments for a sample of the permitted businesses, and thus cannot confirm the extent to which such payouts contributed to the lack of commercial harvesting activity by all of the inactive businesses. Given the lack of data to the contrary and because these businesses possess Gulf shrimp moratorium permits, for the purpose of this analysis, these 1,464 businesses are assumed to be primarily engaged in commercial shellfish harvesting.

From 2011 through 2013, the greatest average annual gross revenue earned by a single business was approximately $2.48 million. On average, a business with a Gulf shrimp moratorium permit had an annual gross revenue of approximately $247,000, annual net revenue from operations (commercial fishing activities) of approximately $6,300, and an annual economic profit of approximately $37,000. All monetary estimates are in 2001 dollars. Average annual economic profit was greater between 2011 and 2013 compared to the 2006–2009 time period, and greater than net revenue from operations, partly because of non-fishing related income, mostly in the form of payouts from BP (*i.e.*, transfer payments) due to the Deepwater Horizon MC252 event in 2010. Thus, although the average profit margin from 2011 through 2013 was nearly 15 percent of gross revenue, the average margin from operations was only about 2.6 percent. Though relatively small, this margin from operations is still greater than what these businesses earned between 2006 and 2009 when net revenue from operations was generally negative, on average.

SBA has established size standards for all major industries, including commercial shellfish harvesting businesses (NAICS code 114112). A business primarily involved in shellfish harvesting is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual receipts not in excess of $5.5 million. Based on the information above, all businesses directly regulated by this proposed rule are determined to be small businesses for the purpose of this analysis. Therefore, it is determined that this proposed rule will affect a substantial number of small businesses.

The number of businesses with Gulf shrimp moratorium permits that had shrimp landings from offshore waters in the Gulf, and, in turn, the level of fishing effort in offshore waters, significantly decreased from 2002 through 2009. As used in this section and Amendment 17A, offshore waters are waters that are seaward of the demarcation lines established under the 1972 Convention on the International Regulations for Preventing Collisions at Sea, which define boundaries across inland waters, such as harbor mouths and inlets, for navigation purposes. Also, businesses had negative net revenue from their operations and generally earned economic losses on average from 2006 through 2009. However, the number of active vessels and, in turn, effort in the offshore Gulf shrimp fishery generally stabilized after 2010.

Although transfer payments from BP as a result of the Deepwater Horizon MC252 event helped to increase economic profits from 2011 through 2013, the increases in net revenue from operations during that time are thought to have been caused primarily by lower fuel prices, higher demand for and thus higher prices for shrimp, and higher catch rates. These higher catch rates are directly attributable to the reductions in effort. To maintain those higher catch rates, effort must at least remain stable. Because net revenue from operations and economic profit have been positive in recent years, if the permit moratorium was not extended and the fishery became subject to open access Gulf shrimp permits, it is possible that the number of active vessels and effort in the offshore fishery would increase, which would be expected to reduce catch rates and, in turn, net revenue from operations and economic profits. Thus, the proposed extension of the moratorium on Gulf shrimp permits for an additional 10 years is expected to result in greater net revenue from operations and economic profit than if the shrimp moratorium permit program was allowed to expire.

Based on the information above, a reduction in profits for a substantial number of small entities is not expected as a result of this rule. Thus, an initial regulatory flexibility analysis is not required and none has been prepared.

No duplicative, overlapping, or conflicting Federal rules have been identified.

List of Subjects in 50 CFR Part 622

Commercial fisheries, Fishing, Gulf, Permits, Shrimp.

Dated: April 11, 2016.

Eileen Sobeck,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 622 is proposed to be amended as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF OF MEXICO, AND SOUTH ATLANTIC

■ 1. The authority citation for part 622 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

■ 2. In § 622.50, revise the introductory text of paragraph (b) to read as follows:

§ 622.50 Permits, permit moratorium, and endorsements.

* * * * *

(b) *Moratorium on commercial vessel permits for Gulf shrimp.* The provisions of this paragraph (b) are applicable through October 26, 2026.

* * * * *

[FR Doc. 2016–08607 Filed 4–13–16; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 150817722–6304–01]

RIN 0648–BF10

Atlantic Highly Migratory Species; Archival Tag Management Measures

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS is proposing to revise the regulations that currently require persons surgically implanting archival

tags in Atlantic highly migratory species (HMS) or externally affixing archival tags to such species to obtain written authorization from NMFS and that require fishermen to report their catches of Atlantic HMS with such tags to NMFS. Archival tags are tags that record scientific information about the migratory behavior of a fish and include tags that are surgically implanted in a fish and tags that are externally affixed, such as pop-up satellite (PSAT) and smart position and temperature tags (SPOT). Specifically, this rule would remove the requirement for researchers to obtain written authorization from NMFS to implant or affix an archival tag but would continue to allow persons who catch a fish with a surgically implanted archival tag to retain the fish while requiring them to return the tag to the person indicated on the tag or to NMFS. The regulation would no longer require the person retaining the fish to submit to NMFS a landing report or make the fish available for inspection and tag recovery by a NMFS scientist, enforcement agent, or other person designated in writing by NMFS. Any persons who land an Atlantic HMS with an externally affixed archival tag would be encouraged to follow the instructions on the tag to return the tag to the appropriate research entity or to NMFS. This action could affect any researchers wishing to place archival tags on Atlantic HMS and any fishermen who might catch such a tagged fish.

DATES: Written comments must be received by May 16, 2016.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2016–0017, by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2016-0017*, click the "Comment Now!" icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Margo Schulze-Haugen, Chief, Atlantic HMS Management Division at 1315 East-West Highway, Silver Spring, MD 20910.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.*, name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Larry Redd, Craig Cockrell, or Karyl Brewster-Geisz by phone at 301–427–8503.

SUPPLEMENTARY INFORMATION: Atlantic HMS are managed under the 2006 Consolidated HMS Fishery Management Plan (FMP). Implementing regulations at 50 CFR part 635 are issued under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1801 *et seq.*, and Atlantic Tunas Convention Act (ATCA), 16 U.S.C. 971 *et seq.* ATCA authorizes the Secretary of Commerce (Secretary) to promulgate regulations, as may be necessary and appropriate to implement ICCAT recommendations.

"Archival tags" are defined at § 635.2 as "a device that is implanted or affixed to a fish to electronically record scientific information about the migratory behavior of that fish." Scientists use such tags because they offer a powerful tool for tracking the movements, geolocation, and behavior of individual tunas, shark, swordfish, or billfishes. Data recovery from some archival tags, particularly those that are surgically implanted into the fish, requires that fish be re-caught. Other archival tags, such as PSAT and SPOT, which are externally affixed to the fish, are able to transmit the information remotely and do not require the fish to be re-caught nor do researchers expect the tags to be returned, as generally no additional data is gained from their return. Data from archival tags are used to ascertain HMS life history information such as migratory patterns and spawning site fidelity.

The current regulations under 50 CFR 635.33 regarding archival tags have three parts. First, the regulation requires that any person seeking to affix or implant an archival tag into Atlantic HMS submit an application for an exempted fishing permit (EFP) or scientific research permit (SRP) with details about the research. The applications ask for details concerning the research objectives, the type and number of tags used, the species and approximate size of the tagged fish, and the location and method of capture of the tagged fish. Second, if a fisherman catches an HMS with an archival tag, the fisherman may land the HMS, regardless of the other regulatory requirements for that fish (*e.g.*, size limit, season, etc.), if the fisherman complies with the third part of the regulations. The third and last part, called a "landing report," requires fishermen landing an HMS with an archival tag to contact NMFS at the time or prior to the time of landing, furnish all requested information, and either make the fish available for inspection or return the tag to NMFS. The information provided by Atlantic HMS fishermen in a landings report could include the archival tag itself, location of capture, and the captured fish.

These regulations were implemented in the late 1990s at a time when archival tag technology was new, most of the archival tags had to be surgically implanted into the fish, and the mortality associated with surgically implanting such tags was unknown. Archival tags have been in use for almost 20 years and the mortality associated with the activity, whether it is surgically implanting the tag or affixing it externally to the fish, is now known to be negligible.

NMFS has issued authorizations to only two researchers for the surgical implantation of an archival tag in the last 5 years. Those researchers have placed a small number of surgically implanted archival tags only in bluefin tuna, and generally only in those fish that measure less than 40 inches curved fork length; in larger fish, the researchers prefer to affix external archival tags. Given the limited battery and data storage capacity of archival tags, NMFS expects that there are few continuously functioning implanted archival tags currently in any Atlantic HMS. Researchers have communicated to NMFS that implanted archival tag recovery has decreased over the last 4 years. Presently, PSAT, SPOT, and other externally-affixed archival tags are more commonly used and, as previously mentioned, this is perhaps in part because the data recovery does not depend on re-catching the fish and extricating the tag. Furthermore, while the information that could be provided in the landings report such as location of landing and length of Atlantic HMS may be helpful in assisting scientists, NMFS rarely hears of any archival tagged fish being recaptured. A few times a year, a fisherman may call NMFS to ask where to return a tag (most often these calls are about non-archival tags) they obtained from an Atlantic HMS in their possession. If a fisherman is indeed calling about returning an archival tag, any information collected about the fish is given directly to the scientists or entities noted on the tag and not necessarily to NMFS. Given that scientists continue to place externally-

affixed archival tags and are not notifying NMFS that the lack of enforcement of the landings report is resulting in a loss of needed scientific data, NMFS assumes that both scientists and fishermen would not object to the removal of the landing report requirement, but invites comments on this provision.

NMFS is considering revisions to the regulatory requirements because the original conservation and management concern about affixing tags to highly migratory species (*i.e.*, the potential for high mortality) is now commonly accepted as non-problematic. The goal of this proposed rule is to reduce administrative and regulatory burden given the outdated conservation concern, while maintaining appropriate conservation and management regulatory requirements.

NMFS, in one non-preferred alternative, considered removing all authorization and reporting requirements in the regulations regarding archival tags. Under this alternative, researchers would no longer need to apply for authorization to implant or affix archival tags to Atlantic HMS, and fishermen who catch an Atlantic HMS with an archival tag would no longer be required to make a landing report or make the fish available to a NMFS scientist, enforcement agent, or other person designated in writing by NMFS. Additionally, under this alternative, in order to land an HMS with any type of archival tag, fishermen would need to meet the other regulatory requirements applicable to that fish. Under this alternative, the return of any archival tag by a fisherman who retains a tagged Atlantic HMS to NMFS or the tag's originating researcher would be voluntary. For surgically implanted tags, any information collected by the tag would be lost unless the tag is voluntarily returned to either NMFS or the originating researcher. Externally affixed archival tags, such as PSAT and SPOT, are able to remotely transmit their data, making the information collected by the tag available to researchers whether the tag is returned to them or not. However, data about the landings and ultimate disposition of the fish would potentially be lost if the fisherman did not contact NMFS or the researcher. Thus, while this non-preferred alternative would reduce the administrative cost for researchers and for fishermen who catch a fish with any type of archival tag, removing the regulatory incentive to return surgically implanted tags could result in the loss of valuable life history and biological data, the loss of any physical tags currently in the field, and a loss of investment for researchers with such tags currently in the field. Removing the regulatory incentive to contact NMFS or the researcher could also potentially result in a loss of data including data about the landing and ultimate disposition of the fish, although as previously discussed, such reporting for externally affixed tags typically does not currently occur under the regulations.

Data collected from returned surgically-implanted tags are important to the tagging program. Without the regulatory requirement to return surgically implanted tags, the scientific contributions and value of surgically implanted archival tagging programs to Atlantic HMS management and conservation may not be realized. Further, uncertainty about tag and data recovery could dissuade the future use of surgically implanted tags.

NMFS' preferred alternative would modify all parts of the regulation. Specifically, regarding the first part of the regulation, the alternative would remove the requirement for researchers to obtain written authorization from NMFS to implant or affix an archival tag. Regarding the second and third parts of the regulations, the preferred alternative would remove the landings report requirement while maintaining the regulatory incentive that Atlantic HMS caught with a surgically implanted archival tag could be retained, regardless of the other regulations, on the condition that the surgically implanted tag is returned to either the originating researcher or to NMFS. The regulation would no longer require the person retaining the fish to submit a landing report to NMFS or make the fish available for inspection and tag recovery by a NMFS scientist, enforcement agent, or other person designated in writing by NMFS. Rather, anyone catching a fish that could not otherwise be landed, but that has a surgically-implanted archival tag, can land the fish if the fisherman returns the tag to the originating researcher or NMFS. In all other cases, NMFS would encourage the fisherman to return the tag and any information requested directly to the scientist or entity noted on the tag itself. As described above, NMFS believes fishermen already work directly with scientists when returning tags.

NMFS prefers this alternative because it maintains appropriate management and conservation requirements while eliminating certain administrative burdens to make the archival tagging process more efficient. This alternative would reduce any time and delay cost to researchers associated with the applying for a permit to place tags on Atlantic HMS. It would not change the effort or cost to fishermen who catch an Atlantic HMS with a surgically implanted archival tag, although the cost associated with returning the tag to the researcher is minimal.

Additionally, the preferred alternative would offer more certainty that, for those rare surgically-implanted tags, recollection and data recovery would take place by maintaining regulatory incentives for the return of implanted tags. This would afford some assurance to researchers that current or future archival tag research activity with surgically implanted tags would not operate at a loss in investment due to discarded tags and would continue to contribute to the collection of Atlantic HMS life history and biological data. For all the reasons above, NMFS prefers this alternative.

Request for Comments

NMFS is requesting comments on the proposed action, which would remove the requirement for researchers to obtain written authorization to implant or affix archival tags, to continue to require fishermen who land a fish with a surgically implanted archival tag to return the tag to the researcher or NMFS, to encourage fishermen who land a fish with an externally affixed archival tag to return the tag to the researcher or NMFS, and to remove the landing report requirement.

Additionally, at the September 2015 HMS Advisory Panel meeting in Silver Spring, MD, NMFS received a request to prohibit the retention of any Atlantic HMS caught with an externally affixed archival or electronic tag. The Advisory Panel member who suggested this change noted that archival tags are expensive and that the tagged live fish in the wild allows scientists to collect biological data and other information that cannot be collected by other means. Given this request, NMFS is requesting comments on whether fishermen who catch a fish with an externally affixed archival tag, such as a PSAT or SPOT, should be required to release the fish even if the fish is otherwise legal to land (*e.g.*, meets the minimum size restrictions and caught with appropriate gear). While this proposed rule focuses on the more limited issue of easing the regulatory burden associated with regulations that have over time become outdated because of changes in tagging technology, we are interested in public comments on the Advisory Panel member's request, as a preliminary first step in exploring future related responsive action through separate rulemaking, as appropriate.

Public Hearings

Public hearings on this proposed rule are not currently scheduled. If you would like to request a public hearing, please contact Larry Redd, Craig Cockrell, or Karyl Brewster-Geisz by phone at 301–427–8503.

Classification

The NMFS Assistant Administrator has determined that the proposed rule is consistent with the 2006 Consolidated HMS FMP and its amendments, the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

This proposed action is not significant for the purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule to revise Atlantic HMS archival tag management measures, if adopted, would not have a significant economic impact on a substantial number of small entities under Section 605(b) of the Regulatory Flexibility Act (RFA).

As described above, this proposed rule would modify the regulations so that researchers would no longer need to obtain written authorization from NMFS before implanting or affixing archival tags. Thus, this proposed rule would reduce any time and delay costs to researchers because they would not need to apply for a permit to place tags on Atlantic HMS. Also, the proposed rule would no longer require the person retaining the fish to submit a landing report to NMFS or make the fish available for inspection and tag recovery by a NMFS scientist, enforcement agent, or other person designated in writing by NMFS. Given that scientists continue to place externally-affixed archival tags and are not notifying NMFS that the lack of enforcement of the landings report is resulting in a loss of needed scientific data, NMFS assumes that both scientists and fishermen would not object to the removal of the landing report requirement but are requesting comments on this provision. Fishermen would be relieved of the obligation to file a landings report with NMFS if they caught and retained an HMS with an externally affixed archival tag and thus would have less regulatory obligation and delay in bringing the fish to market. The cost to fisherman associated with returning the tag to the researcher are minimal and, for surgically implanted tags in recent years, uncommon, particularly since NMFS has issued authorizations to only two researchers for the surgical implantation of an archival tag in the last 5 years. However, if a fish with a surgically implanted archival tag were caught, this proposed rule would offer some certainty that tag recollection and data recovery would take place by maintaining the regulatory incentive for the return of implanted tags to NMFS or the originating research.

For the last five years, NMFS has issued an average of 12 permits for externally affixing archival tags (*e.g.*, pop-up satellite archival tags and smart position and temperature tags), and in the same time frame, NMFS has issued authorizations to only 2 researchers for the surgical implantation of an archival tag. Therefore, NMFS estimates that this rule would apply to approximately 14 research entities. The rule would also apply to any fisherman who caught a fish that has a surgically implanted archival tag. At this time, NMFS does not know how many fishermen might encounter this situation but, because NMFS has issued permits to only two researchers in the last five years that would allow for the surgical implantation of archival tags and those researchers have surgically implanted only a limited number of archival tags, NMFS estimates minimal fishermen would be affected—perhaps less than five per year. The action does not contain any new collection of information, reporting, record-keeping, or other compliance requirements. Rather, this rule would relieve approximately 14 research entities from the need to apply for a permit to place archival tags on Atlantic HMS. For the reasons above, the archival tag management measures proposed in this rule would not have a significant impact on a substantial number of small entities.

List of Subjects in 50 CFR Part 635

Fisheries, Fishing, Fishing vessels, Foreign relations, Imports, Penalties, Reporting and recordkeeping requirements, Treaties.

Dated: April 8, 2016.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 635 is proposed to be amended as follows:

PART 635—ATLANTIC HIGHLY MIGRATORY SPECIES

■ 1. The authority citation for part 635 continues to read as follows:

Authority: 16 U.S.C. 971 *et seq.*; 16 U.S.C. 1801 *et seq.*

■ 2. Revise § 635.33 to read as follows:

§ 635.33 Archival tags.

(a) *Landing an HMS with a surgically implanted archival tag.* Notwithstanding other provisions of this part, persons may catch, possess, retain, and land an Atlantic HMS in which an archival tag has been surgically implanted, provided such persons return the tag to the research entity indicated on the tag or to NMFS at an address designated by NMFS and report the fish as required in § 635.5.

(b) *Quota monitoring.* If an Atlantic HMS landed under the authority of paragraph (a) of this section is subject to a quota, the fish will be counted against the applicable quota for the species consistent with the fishing gear and activity which resulted in the catch. In the event such fishing gear or activity is otherwise prohibited under applicable provisions of this part, the fish shall be counted against the reserve or research quota established for that species, as appropriate.

■ 3. In § 635.71, revise paragraph (a)(20) to read as follows

§ 635.71 Prohibitions.

* * * * *

(a) * * *

(20) Fail to return a surgically implanted archival tag of a retained Atlantic HMS to NMFS or the research entity and report such retention, as specified in § 635.33.

* * * * *

[FR Doc. 2016–08535 Filed 4–13–16; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 81, No. 72
Thursday, April 14, 2016

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Notice of Intent To Grant Exclusive License

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of intent.

SUMMARY: Notice is hereby given that the U.S. Department of Agriculture, Agricultural Research Service, intends to grant to Chengdu Rong Cheng Jiu Tian Biotechnology Co., Ltd. of Chengdu, Sichuan Province, China, an exclusive license to U.S. Patent Application Serial No. 14/276,224, "SPRAYABLE DISPERSED STARCH-BASED BIOPLASTIC FORMULATION TO CONTROL PESTS", filed on May 13, 2014.

DATES: Comments must be received on or before May 16, 2016.

ADDRESSES: Send comments to: USDA, ARS, Office of Technology Transfer, 5601 Sunnyside Avenue, Rm. 4–1174, Beltsville, Maryland 20705–5131.

FOR FURTHER INFORMATION CONTACT: Mojdeh Bahar of the Office of Technology Transfer at the Beltsville address given above; telephone: 301–504–5989.

SUPPLEMENTARY INFORMATION: The Federal Government's patent rights in this invention are assigned to the United States of America, as represented by the Secretary of Agriculture. It is in the public interest to so license this invention as Chengdu Rong Cheng Jiu Tian Biotechnology Co., Ltd. of Chengdu, Sichuan Province, China has submitted a complete and sufficient application for a license. The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within thirty (30) days from the date of this published Notice, the Agricultural Research Service receives written evidence and argument which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Mojdeh Bahar,

Assistant Administrator.

[FR Doc. 2016–08634 Filed 4–13–16; 8:45 am]

BILLING CODE 3410–03–P

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

Sunshine Act Meeting

TIME AND DATE: April 20, 2016, 1:00 p.m. EDT.

PLACE: U.S. Chemical Safety Board, 1750 Pennsylvania Ave. NW., Suite 910, Washington, DC 20006.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: The Chemical Safety and Hazard Investigation Board (CSB) will convene a public meeting on April 20, 2016, starting at 1:00 p.m. EDT in Washington, DC at the CSB offices located at 1750 Pennsylvania Avenue NW., Suite 910. The Board will discuss the status of open investigations; an update on audits from the Office of the Inspector General; financial and organizational updates; a review of the agency's action plan; and a calendared notation item related to recommendations 2001–01–H–R9 and 2001–01–H–R10 from the 2002 study on Improving Reactive Hazard Management. An opportunity for public comment will be provided.

ADDITIONAL INFORMATION: The meeting is free and open to the public. If you require a translator or interpreter, please notify the individual listed below as the "Contact Person for Further Information," at least three business days prior to the meeting.

A conference call line will be provided for those who cannot attend in person. Please use the following dial-in number to join the conference: (888) 466–9863, passcode 9257947#.

The CSB is an independent federal agency charged with investigating accidents and hazards that result, or may result, in the catastrophic release of extremely hazardous substances. The agency's Board Members are appointed by the President and confirmed by the Senate. CSB investigations look into all aspects of chemical accidents and hazards, including physical causes such as equipment failure as well as inadequacies in regulations, industry standards, and safety management systems.

PUBLIC COMMENT: The time provided for public statements will depend upon the number of people who wish to speak. Speakers should assume that their presentations will be limited to three minutes or less, but commenters may submit written statements for the record.

CONTACT PERSON FOR FURTHER INFORMATION: Hillary Cohen, Communication Manager, at *public@csb.gov* or (202) 446–8094. Further information about this public meeting can be found on the CSB Web site at: *www.csb.gov.*

Dated: April 11, 2016.

Kara Wenzel,

Acting General Counsel, Chemical Safety and Hazard Investigation Board.

[FR Doc. 2016–08676 Filed 4–12–16; 11:15 am]

BILLING CODE 6350–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–475–059]

Pressure Sensitive Plastic Tape From Italy: Continuation of the Antidumping Duty Finding

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: As a result of the determinations by the Department of Commerce (the Department) and the International Trade Commission (ITC) that revocation of the antidumping duty finding on pressure sensitive plastic tape (PSP tape) from Italy would likely lead to a continuation or recurrence of dumping and material injury to an industry in the United States, the Department is publishing a notice of continuation of the antidumping duty finding on PSP tape from Italy.

DATES: *Effective Date:* April 14, 2016.

FOR FURTHER INFORMATION CONTACT: Terre Keaton Stefanova, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution

Avenue NW., Washington, DC 20230; telephone: (202) 482–1280.

SUPPLEMENTARY INFORMATION:

Background

On March 2, 2015, the Department initiated [1] and the ITC instituted [2] five-year ("sunset") reviews of the antidumping duty finding on PSP tape from Italy, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act). As a result of its review, the Department determined that revocation of the antidumping duty finding on PSP tape from Italy would likely lead to a continuation or recurrence of dumping and notified the ITC of the magnitude of the margins of dumping likely to prevail were the finding revoked.[3]

On April 8, 2016, the ITC published its determination, pursuant to sections 751(c) and 752(a) of the Act, that revocation of the antidumping duty finding order on PSP tape from Italy would likely lead to a continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[4]

Scope of the Finding

The products covered by the finding are shipments of PSP tape measuring over one and three-eighths inches in width and not exceeding four mils [5] in thickness. The above described PSP tape is classified under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 3919.90.10.20 and 3919.90.50. The HTSUS subheadings are provided for convenience and for customs purposes. The written description remains dispositive.

Continuation of the Finding

As a result of the determinations by the Department and the ITC that revocation of the antidumping duty finding on PSP tape from Italy would likely lead to a continuation or recurrence of dumping, and of material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, the Department hereby orders the continuation of the antidumping duty finding on PSP tape from Italy. U.S. Customs and Border Protection will continue to collect antidumping duty cash deposits at the rates in effect at the time of entry for all imports of subject merchandise. The effective date of the continuation of the finding will be the date of publication in the **Federal Register** of this notice of continuation. Pursuant to section 751(c)(2) of the Act, the Department intends to initiate the next five-year review of the finding not later than 30 days prior to the fifth anniversary of the effective date of continuation.

Administrative Protective Order

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return/destruction or conversion to judicial protective order of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Failure to comply is a violation of the APO which may be subject to sanctions.

This five-year (sunset) review and notice are in accordance with section 751(c) and published pursuant to 777(i) of the Act, and 19 CFR 351.218(f)(4).

Dated: April 8, 2016.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2016–08630 Filed 4–13–16; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Initiation of Five-Year ("Sunset") Review,* 80 FR 11164 (March 2, 2015).

[2] *See Pressure Sensitive Plastic Tape From Italy; Institution of Five-Year Review,* 80 FR 11224 (March 2, 2015).

[3] *See Pressure Sensitive Plastic Tape from Italy: Final Results of Expedited Fourth Sunset Review of the Antidumping Duty Finding,* 80 FR 39054 (July 8, 2015) and accompanying Issues and Decision Memorandum for the Final Results of the Fourth Expedited Sunset Review of the Antidumping Duty Finding on Pressure Sensitive Plastic Tape from Italy (Issues and Decision Memorandum).

[4] *See Pressure Sensitive Plastic Tape From Italy; Determination,* 81 FR 20673 (April 8, 2016).

[5] We note that the Issues and Decision Memorandum incorrectly stated millimeters as the unit of measure. The correct unit of measure is mils.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–863]

Honey From the People's Republic of China: Rescission of Antidumping Duty Administrative Review; 2014–2015

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce ("the Department") is rescinding the administrative review of the antidumping duty order on honey from the People's Republic of China ("PRC") for December 1, 2014 through November 30, 2015.

DATES: *Effective Date:* April 14, 2016.

FOR FURTHER INFORMATION CONTACT: Kabir Archuletta, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–2593.

SUPPLEMENTARY INFORMATION:

Background

On February 9, 2016, based on a timely request for review on behalf of the American Honey Producers Association and Sioux Honey Association (collectively, "Petitioners"),[1] the Department published in the **Federal Register** a notice of initiation of an administrative review of the antidumping duty order on honey from the PRC covering the period December 1, 2014, through November 30, 2015.[2] The review covers three companies: Wuhu Haoyikuai Imp & Emp, Shanghai Sunbeauty Trading, and Shanghai Sha Mei Trade Co., Ltd.[3] On March 14, 2016, Petitioners withdrew their requests for an administrative review on all three companies listed in the *Initiation Notice*.[4] No other party requested a review of these companies or any other exporters of subject merchandise.

Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review, in whole or in part, if the party that requested the review withdraws its request within 90 days of the publication of the notice of initiation of the requested review. In this case, Petitioners timely withdrew their request of all three companies by the 90-day deadline, and no other party requested an administrative review of the antidumping duty order. As a result, pursuant to 19 CFR 351.213(d)(1), we are rescinding the administrative review of honey from the PRC for the period December 1, 2014, through November 30, 2015, in its entirety.

Assessment

The Department will instruct U.S. Customs and Border Protection ("CBP") to assess antidumping duties on all appropriate entries. Because the Department is rescinding this administrative review in its entirety, the entries to which this administrative review pertained shall be assessed antidumping duties at rates equal to the

[1] *See* Letter to the Secretary of Commerce from the American Honey Producers Association and Sioux Honey Association, "Honey from the People's Republic of China: Request for Administrative Review" (December 31, 2015).

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 81 FR 6832 (February 9, 2016) (*"Initiation Notice"*).

[3] *Id.*

[4] *See* Letter to the Secretary of Commerce from Petitioners "Honey from the People's Republic of China: Petitioners Withdrawal of Requests for Administrative Review" (March 14, 2016).

cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions to CBP 15 days after the publication of this notice in the **Federal Register**, if appropriate.[5]

Notifications

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of the antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This notice also serves as a final reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: April 6, 2016.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2016–08631 Filed 4–13–16; 8:45 am]

BILLING CODE 3510–DS–P

[5] The Department confirmed with interested parties that "Shanghai Sunbeauty Trading" is the same company as "Shanghai Sunbeauty Trading Co., Ltd.," which is under review in an ongoing new shipper review (*see Honey from the People's Republic of China: Initiation of Antidumping Duty New Shipper Review*, 81 FR 5710 (February 3, 2016); *see also* Letter to the Secretary of Commerce from Petitioners "Honey from the People's Republic of China: Response to the Department's February 25, 2016 Letter" (February 29, 2016)). Accordingly, we will instruct CBP to continue to suspend liquidation of entries exported by Shanghai Sunbeauty Trading Co., Ltd., until the conclusion of the new shipper review.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE428

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Russian River Estuary Management Activities

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; issuance of an incidental harassment authorization.

SUMMARY: In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an incidental harassment authorization (IHA) to the Sonoma County Water Agency (SCWA) to incidentally harass, by Level B harassment only, three species of marine mammals during estuary management activities conducted at the mouth of the Russian River, Sonoma County, California.

DATES: This IHA is effective for the period of one year, from April 21, 2016, through April 20, 2017.

FOR FURTHER INFORMATION CONTACT: Ben Laws, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Availability

Electronic copies of SCWA's application and any supporting documents, as well as a list of the references cited in this document, may be obtained by visiting the internet at: *www.nmfs.noaa.gov/pr/permits/incidental/construction.htm.* In the case of problems accessing these documents, please call the contact listed above. NMFS' Environmental Assessment (2010) and associated Finding of No Significant Impact, prepared pursuant to the National Environmental Policy Act, and NMFS' Biological Opinion (2008) on the effects of Russian River management activities on salmonids, prepared pursuant to the Endangered Species Act, are also available at the same site.

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified area, the incidental, but not intentional, taking of small numbers of marine mammals, providing that certain findings are made and the necessary prescriptions are established.

The incidental taking of small numbers of marine mammals may be allowed only if NMFS (through authority delegated by the Secretary) finds that the total taking by the specified activity during the specified time period will (i) have a negligible impact on the species or stock(s) and (ii) not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant). Further, the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such taking must be set forth.

The allowance of such incidental taking under section 101(a)(5)(A), by harassment, serious injury, death, or a combination thereof, requires that regulations be established. Subsequently, a Letter of Authorization may be issued pursuant to the prescriptions established in such regulations, providing that the level of taking will be consistent with the findings made for the total taking allowable under the specific regulations. Under section 101(a)(5)(D), NMFS may authorize such incidental taking by harassment only, for periods of not more than one year, pursuant to requirements and conditions contained within an IHA. The establishment of these prescriptions requires notice and opportunity for public comment.

NMFS has defined "negligible impact" in 50 CFR 216.103 as ". . . an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival." Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines "harassment" as: ". . . any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment]."

Summary of Request

On January 20, 2016, we received an adequate and complete request from SCWA for authorization of the taking of marine mammals incidental to Russian River estuary management activities in

Sonoma County, California. SCWA plans to continue ongoing actions necessary to manage the naturally-formed barrier beach at the mouth of the Russian River in order to minimize potential for flooding adjacent to the estuary and to enhance habitat for juvenile salmonids, as well as to conduct biological and physical monitoring of the barrier beach and estuary. Flood control-related breaching of barrier beach at the mouth of the river may include artificial breaches, as well as construction and maintenance of a lagoon outlet channel. The latter activity, an alternative management technique conducted to mitigate impacts of flood control on rearing habitat for Endangered Species Act (ESA)-listed salmonids, occurs only from May 15 through October 15 (hereafter, the "lagoon management period"). Artificial breaching and monitoring activities may occur at any time during the one-year period of validity of the IHA.

Breaching of naturally-formed barrier beach at the mouth of the Russian River requires the use of heavy equipment (*e.g.*, bulldozer, excavator) and increased human presence, and monitoring in the estuary requires the use of small boats. As a result, pinnipeds hauled out on the beach or at peripheral haul-outs in the estuary may exhibit behavioral responses that indicate incidental take by Level B harassment under the MMPA. Species known from the haul-out at the mouth of the Russian River or from peripheral haul-outs, and therefore anticipated to be taken incidental to the specified activity, include the harbor seal (*Phoca vitulina richardii*), California sea lion (*Zalophus californianus*), and northern elephant seal (*Mirounga angustirostris*).

This is the seventh such IHA issued to SCWA. SCWA was first issued an IHA, valid for a period of one year, effective on April 1, 2010 (75 FR 17382), and was subsequently issued one-year IHAs for incidental take associated with the same activities, effective on April 21, 2011 (76 FR 23306), April 21, 2012 (77 FR 24471), April 21, 2013 (78 FR 23746), April 21, 2014 (79 FR 20180), and April 21, 2015 (80 FR 24237).

Description of the Specified Activity

Additional detail regarding the specified activity was provided in our **Federal Register** notice of proposed authorization (81 FR 8924; February 23, 2016) and in past notices cited herein; please see those documents or SCWA's application for more information.

Overview

The planned action involves management of the estuary to prevent flooding while preventing adverse modification to critical habitat for ESA-listed salmonids. Requirements related to the ESA are described in further detail below. During the lagoon management period, this involves construction and maintenance of a lagoon outlet channel that would facilitate formation of a perched lagoon. A perched lagoon, which is an estuary closed to tidal influence in which water surface elevation is above mean high tide, reduces flooding while maintaining beneficial conditions for juvenile salmonids. Additional breaches of barrier beach may be conducted for the sole purpose of reducing flood risk. SCWA's planned activity was described in detail in our notice of proposed authorization prior to the 2011 IHA (76 FR 14924; March 18, 2011); please see that document for a detailed description of SCWA's estuary management activities. Aside from minor additions to SCWA's biological and physical estuary monitoring measures, the specified activity remains the same as that described in the 2011 document.

Dates and Duration

The specified activity may occur at any time during the one-year timeframe (April 21, 2016, through April 20, 2017) of the IHA, although construction and maintenance of a lagoon outlet channel will occur only during the lagoon management period. In addition, there are certain restrictions placed on SCWA during the harbor seal pupping season. These, as well as periodicity and frequency of the specified activities, are described in further detail below.

Specific Geographic Region

The estuary is located about 97 km (60 mi) northwest of San Francisco in Sonoma County, near Jenner, California (see Figure 1 of SCWA's application). The Russian River watershed encompasses 3,847 km^2 (1,485 mi^2) in Sonoma, Mendocino, and Lake Counties. The mouth of the Russian River is located at Goat Rock State Beach (see Figure 2 of SCWA's application); the estuary extends from the mouth upstream approximately 10 to 11 km (6–7 mi) between Austin Creek and the community of Duncans Mills (Heckel and McIver, 1994).

Detailed Description of Activities

Within the Russian River watershed, the U.S. Army Corps of Engineers (Corps), SCWA and the Mendocino County Russian River Flood Control and Water Conservation Improvement District (District) operate and maintain federal facilities and conduct activities in addition to the estuary management, including flood control, water diversion and storage, instream flow releases, hydroelectric power generation, channel maintenance, and fish hatchery production. As described in the notice of proposed IHA, NMFS issued a 2008 Biological Opinion (BiOp) for Water Supply, Flood Control Operations, and Channel Maintenance conducted by the Corps, SCWA and the District in the Russian River watershed (NMFS, 2008). This BiOp found that the activities—including SCWA's estuary management activities prior to the BiOp—authorized by the Corps and undertaken by SCWA and the District, if continued in a manner similar to recent historic practices, were likely to jeopardize the continued existence of ESA-listed salmonids and were likely to adversely modify critical habitat. In part, therefore, the BiOp requires SCWA to collaborate with NMFS and modify their estuary water level management in order to reduce marine influence (*i.e.*, high salinity and tidal inflow) and promote a higher water surface elevation in the estuary in order to enhance the quality of rearing habitat for juvenile salmonids. SCWA is also required to monitor the response of water quality, invertebrate production, and salmonids in and near the estuary to water surface elevation management in the estuary-lagoon system.

There are three components to SCWA's ongoing estuary management activities: (1) Lagoon outlet channel management, during the lagoon management period only, required to accomplish the dual purposes of flood risk abatement and maintenance of juvenile salmonid habitat; (2) traditional artificial breaching, with the sole objective of flood risk abatement; and (3) physical and biological monitoring in and near the estuary, required under the terms of the BiOp, to understand response to water surface elevation management in the estuary-lagoon system. The latter category (physical and biological monitoring) includes all ancillary beach and/or estuary monitoring activities, including topographic and geophysical beach surveys and biological and physical habitat monitoring in the estuary. Please see the previously referenced **Federal Register** notice (76 FR 14924; March 18, 2011) for detailed discussion of lagoon outlet channel management, artificial breaching, and other physical and biological monitoring activities, as well as our in our **Federal Register** notice of proposed authorization for this

authorization (81 FR 8924; February 23, 2016) for descriptions of minor changes to physical and biological monitoring activities.

Comments and Responses

We published a notice of receipt of SCWA's application and proposed IHA in the **Federal Register** on February 23, 2016 (81 FR 8924). During the thirty-day comment period, we received a letter from the Marine Mammal Commission (Commission). The Commission recommends that we issue the requested authorization, subject to inclusion of the proposed mitigation and monitoring measures as described in our notice of proposed IHA and the application. All measures proposed in the initial **Federal Register** notice are included within the IHA.

Description of Marine Mammals in the Area of the Specified Activity

The marine mammal species that may be harassed incidental to estuary management activities are the harbor seal, California sea lion, and the northern elephant seal. We presented a detailed discussion of the status of these stocks and their occurrence in the action area in the notice of the proposed IHA (81 FR 8924; February 23, 2016).

Ongoing monthly harbor seal counts at the Jenner haul-out were begun by J. Mortenson in January 1987, with additional nearby haul-outs added to the counts thereafter. In addition, local resident E. Twohy began daily observations of seals and people at the Jenner haul-out in November 1989. These datasets note whether the mouth at the Jenner haul-out was opened or closed at each observation, as well as various other daily and annual patterns of haul-out usage (Mortenson and Twohy, 1994). Recently, SCWA began regular baseline monitoring of the haul-out as a component of its estuary management activity. In the notice of proposed IHA, we presented average daily numbers of seals observed at the mouth of the Russian River from 1993–2005 and from 2009–15 (see Table 1; 81 FR 8924; February 23, 2016).

Potential Effects of the Specified Activity on Marine Mammals

We provided a detailed discussion of the potential effects of the specified activity on marine mammals in the notice of the proposed IHA (81 FR 8924; February 23, 2016). A summary of anticipated effects is provided below.

A significant body of monitoring data exists for pinnipeds at the mouth of the Russian River. In addition, pinnipeds have co-existed with regular estuary management activity for decades as well as with regular human use activity at the beach, and are likely habituated to human presence and activity. Nevertheless, SCWA's estuary management activities have the potential to disturb pinnipeds present on the beach or at peripheral haul-outs in the estuary. During breaching operations, past monitoring has revealed that some or all of the seals present typically move or flush from the beach in response to the presence of crew and equipment, though some may remain hauled-out. No stampeding of seals—a potentially dangerous occurrence in which large numbers of animals succumb to mass panic and rush away from a stimulus—has been documented since SCWA developed protocols to prevent such events in 1999. While it is likely impossible to conduct required estuary management activities without provoking some response in hauled-out animals, precautionary mitigation measures, described later in this document, ensure that animals are gradually apprised of human approach. Under these conditions, seals typically exhibit a continuum of responses, beginning with alert movements (*e.g.,* raising the head), which may then escalate to movement away from the stimulus and possible flushing into the water. Flushed seals typically re-occupy the haul-out within minutes to hours of the stimulus. In addition, eight other haul-outs exist nearby that may accommodate flushed seals. In the absence of appropriate mitigation measures, it is possible that pinnipeds could be subject to injury, serious injury, or mortality, likely through stampeding or abandonment of pups.

California sea lions and northern elephant seals, which have been noted only infrequently in the action area, have been observed as less sensitive to stimulus than harbor seals during monitoring at numerous other sites. For example, monitoring of pinniped disturbance as a result of abalone research in the Channel Islands showed that while harbor seals flushed at a rate of 69 percent, California sea lions flushed at a rate of only 21 percent. The rate for elephant seals declined to 0.1 percent (VanBlaricom, 2011). In the event that either of these species is present during management activities, they would be expected to display a minimal reaction to maintenance activities—less than that expected of harbor seals.

Although the Jenner haul-out is not known as a primary pupping beach, harbor seal pups have been observed during the pupping season; therefore, we have evaluated the potential for injury, serious injury or mortality to pups. There is a lack of published data regarding pupping at the mouth of the Russian River, but SCWA monitors have observed pups on the beach. No births were observed during recent monitoring, but were inferred based on signs indicating pupping (*e.g.,* blood spots on the sand, birds consuming possible placental remains). Pup injury or mortality would be most likely to occur in the event of extended separation of a mother and pup, or trampling in a stampede. As discussed previously, no stampedes have been recorded since development of appropriate protocols in 1999. Any California sea lions or northern elephant seals present would be independent juveniles or adults; therefore, analysis of impacts on pups is not relevant for those species.

Similarly, the period of mother-pup bonding, critical time needed to ensure pup survival and maximize pup health, is not expected to be impacted by estuary management activities. Harbor seal pups are extremely precocious, swimming and diving immediately after birth and throughout the lactation period, unlike most other phocids which normally enter the sea only after weaning (Lawson and Renouf, 1985; Cottrell *et al.,* 2002; Burns *et al.,* 2005). Lawson and Renouf (1987) investigated harbor seal mother-pup bonding in response to natural and anthropogenic disturbance. In summary, they found that the most critical bonding time is within minutes after birth. Although pupping season is defined as March 15-June 30, the peak of pupping season is typically concluded by mid-May, when the lagoon management period begins. As such, it is expected that most mother-pup bonding would likely be concluded as well. The number of management events during the months of March and April has been relatively low in the past, and the breaching activities occur in a single day over several hours. In addition, mitigation measures described later in this document further reduce the likelihood of any impacts to pups, whether through injury or mortality or interruption of mother-pup bonding.

In summary, and based on extensive monitoring data, we believe that impacts to hauled-out pinnipeds during estuary management activities would be behavioral harassment of limited duration (*i.e.,* less than one day) and limited intensity (*i.e.,* temporary flushing at most). Stampeding, and therefore injury or mortality, is not expected—nor been documented—in the years since appropriate protocols were established (see Mitigation for more details). Further, the continued,

and increasingly heavy (see SCWA's monitoring report), use of the haul-out despite decades of breaching events indicates that abandonment of the haul-out is unlikely.

Anticipated Effects on Habitat

We provided a detailed discussion of the potential effects of this action on marine mammal habitat in the notice of the proposed IHA (81 FR 8924; February 23, 2016). SCWA's estuary management activities will result in temporary physical alteration of the Jenner haul-out. With barrier beach closure, seal usage of the beach haul-out declines, and the three nearby river haul-outs may not be available for usage due to rising water surface elevations. Breaching of the barrier beach, subsequent to the temporary habitat disturbance, will likely increase suitability and availability of habitat for pinnipeds. Biological and water quality monitoring will not physically alter pinniped habitat.

In summary, there will be temporary physical alteration of the beach. However, natural opening and closure of the beach results in the same impacts to habitat; therefore, seals are likely adapted to this cycle. In addition, the increase in rearing habitat quality has the goal of increasing salmonid abundance, ultimately providing more food for seals present within the action area. Thus, any impacts to marine mammal habitat are not expected to cause significant or long-term consequences for individual marine mammals or their populations.

Mitigation

In order to issue an IHA under section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to such activity, and other means of effecting the least practicable impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for taking for certain subsistence uses.

SCWA will continue the following mitigation measures, as implemented during the previous IHAs, designed to minimize impact to affected species and stocks:

- SCWA crews will cautiously approach (*e.g.*, walking slowly with limited arm movement and minimal sound) the haul-out ahead of heavy equipment to minimize the potential for sudden flushes, which may result in a stampede—a particular concern during pupping season.
- SCWA staff will avoid walking or driving equipment through the seal haul-out.
- Crews on foot will make an effort to be seen by seals from a distance, if possible, rather than appearing suddenly at the top of the sandbar, again preventing sudden flushes.
- During breaching events, all monitoring will be conducted from the overlook on the bluff along Highway 1 adjacent to the haul-out in order to minimize potential for harassment.
- A water level management event may not occur for more than two consecutive days unless flooding threats cannot be controlled.

In addition, SCWA will continue mitigation measures specific to pupping season (March 15–June 30), as implemented in the previous IHA:

- SCWA will maintain a one-week no-work period between water level management events (unless flooding is an immediate threat) to allow for an adequate disturbance recovery period. During the no-work period, equipment must be removed from the beach.
- If a pup less than one week old is on the beach where heavy machinery will be used or on the path used to access the work location, the management action will be delayed until the pup has left the site or the latest day possible to prevent flooding while still maintaining suitable fish rearing habitat. In the event that a pup remains present on the beach in the presence of flood risk, SCWA will consult with NMFS to determine the appropriate course of action. SCWA will coordinate with the locally established seal monitoring program (Stewards' Seal Watch) to determine if pups less than one week old are on the beach prior to a breaching event.
- Physical and biological monitoring (including topographic and geophysical beach surveys) will not be conducted if a pup less than one week old is present at the monitoring site or on a path to the site.
- Any jetty study activities in the vicinity of the harbor seal haul-out will not occur during the pupping season.

Equipment will be driven slowly on the beach and care will be taken to minimize the number of shutdowns and start-ups when the equipment is on the beach. All work will be completed as efficiently as possible, with the smallest amount of heavy equipment possible, to minimize disturbance of seals at the haul-out. Boats operating near river haul-outs during monitoring will be kept within posted speed limits and driven as far from the haul-outs as safely possible to minimize flushing seals.

We have carefully evaluated SCWA's planned mitigation measures and considered their effectiveness in past implementation to determine whether they are likely to effect the least practicable impact on the affected marine mammal species and stocks and their habitat. Our evaluation of potential measures included consideration of the following factors in relation to one another: (1) The manner in which, and the degree to which, the successful implementation of the measure is expected to minimize adverse impacts to marine mammals, (2) the proven or likely efficacy of the specific measure to minimize adverse impacts as planned; and (3) the practicability of the measure for applicant implementation.

Any mitigation measure(s) we prescribe should be able to accomplish, have a reasonable likelihood of accomplishing (based on current science), or contribute to the accomplishment of one or more of the general goals listed below:

- Avoidance or minimization of injury or death of marine mammals wherever possible (goals 2, 3, and 4 may contribute to this goal).
- A reduction in the number (total number or number at biologically important time or location) of individual marine mammals exposed to stimuli expected to result in incidental take (this goal may contribute to 1, above, or to reducing takes by behavioral harassment only).
- A reduction in the number (total number or number at biologically important time or location) of times any individual marine mammal would be exposed to stimuli expected to result in incidental take (this goal may contribute to 1, above, or to reducing takes by behavioral harassment only).
- A reduction in the intensity of exposure to stimuli expected to result in incidental take (this goal may contribute to 1, above, or to reducing the severity of behavioral harassment only).
- Avoidance or minimization of adverse effects to marine mammal habitat, paying particular attention to the prey base, blockage or limitation of passage to or from biologically important areas, permanent destruction of habitat, or temporary disturbance of habitat during a biologically important time.
- For monitoring directly related to mitigation, an increase in the probability of detecting marine mammals, thus allowing for more effective implementation of the mitigation.

Based on our evaluation of SCWA's planned measures and on SCWA's record of management at the mouth of

the Russian River including information from monitoring of SCWA's implementation of the mitigation measures as prescribed under the previous IHAs, we have determined that the planned mitigation measures provide the means of effecting the least practicable impact on marine mammal species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Monitoring and Reporting

In order to issue an IHA for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must set forth "requirements pertaining to the monitoring and reporting of such taking". The MMPA implementing regulations at 50 CFR 216.104 (a)(13) indicate that requests for incidental take authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the proposed action area.

Any monitoring requirement we prescribe should accomplish one or more of the following general goals:

1. An increase in the probability of detecting marine mammals, both within defined zones of effect (thus allowing for more effective implementation of the mitigation) and in general to generate more data to contribute to the analyses mentioned below;

2. An increase in our understanding of how many marine mammals are likely to be exposed to stimuli that we associate with specific adverse effects, such as behavioral harassment or hearing threshold shifts;

3. An increase in our understanding of how marine mammals respond to stimuli expected to result in incidental take and how anticipated adverse effects on individuals may impact the population, stock, or species (specifically through effects on annual rates of recruitment or survival) through any of the following methods:

- Behavioral observations in the presence of stimuli compared to observations in the absence of stimuli (need to be able to accurately predict pertinent information, *e.g.,* received level, distance from source);
- Physiological measurements in the presence of stimuli compared to observations in the absence of stimuli (need to be able to accurately predict pertinent information, *e.g.,* received level, distance from source);
- Distribution and/or abundance comparisons in times or areas with concentrated stimuli versus times or areas without stimuli;

4. An increased knowledge of the affected species; or

5. An increase in our understanding of the effectiveness of certain mitigation and monitoring measures.

SCWA submitted a marine mammal monitoring plan as part of the IHA application. It can be found on the Internet at *www.nmfs.noaa.gov/pr/permits/incidental/construction.htm.* The plan has been successfully implemented (in slightly different form from the currently proposed plan) by SCWA under previous IHAs. The purpose of this monitoring plan, which is carried out collaboratively with the Stewards of the Coasts and Redwoods (Stewards) organization, is to detect the response of pinnipeds to estuary management activities at the Russian River estuary. SCWA has designed the plan both to satisfy the requirements of the IHA, and to address the following questions of interest:

1. Under what conditions do pinnipeds haul out at the Russian River estuary mouth at Jenner?

2. How do seals at the Jenner haul-out respond to activities associated with the construction and maintenance of the lagoon outlet channel and artificial breaching activities?

3. Does the number of seals at the Jenner haul-out significantly differ from historic averages with formation of a summer (May 15 to October 15) lagoon in the Russian River estuary?

4. Are seals at the Jenner haul-out displaced to nearby river and coastal haul-outs when the mouth remains closed in the summer?

Monitoring Measures

SCWA plans to modify the baseline monitoring component of their existing 2011 Monitoring Plan in order to better focus monitoring effort on the Jenner haul-out. This primary haul-out is where the majority of seals are found and where pupping occurs, and SCWA believes that the modifications will better allow continued development in understanding the physical and biological factors that influence seal abundance and behavior at the site. In particular, SCWA notes that increasing the frequency of surveys will allow them to be able to observe the influence of physical changes that do not persist for more than ten days, like brief periods of barrier beach closures or other environmental changes. The changes will improve SCWA's ability to describe how seals respond to barrier beach closures and allow for more accurate estimation of the number of harbor seal pups born at Jenner each year.

Regarding decreased frequency of monitoring at peripheral sites, abundance at these sites has been observed to generally be very low regardless of river mouth condition. These sites are generally very small physically, composed of small rocks or outcrops or logs in the river, and therefore could not accommodate significant displacement from the main beach haul-out. Monitoring of peripheral sites under extended lagoon conditions will allow for possible detection of any changed use patterns. In summary, the modifications include increasing the frequency of surveys at the Jenner haul-out from twice a month to four times a month and reducing the duration of each survey from eight to four hours. Baseline visits to the peripheral haul-outs will be eliminated except in the case that a lagoon outlet channel is constructed and maintained for a prolonged period (over 21 days).

Baseline Monitoring—As noted above, seals at the Jenner haul-out are counted for four hours every week, with no more than four baseline surveys each month. Two monitoring events each month will occur in the morning and two will occur in the afternoon with an effort to schedule a morning survey at low and high tide each month and an afternoon survey at low and high tide each month. This baseline information will provide SCWA with details that may help to plan estuary management activities in the future to minimize pinniped interaction. This census begins at local dawn and continues for eight hours. Survey protocols are unchanged: All seals hauled out on the beach are counted every thirty minutes from the overlook on the bluff along Highway 1 adjacent to the haul-out using spotting scopes. Monitoring may conclude for the day if weather conditions affect visibility (*e.g.,* heavy fog in the afternoon). Depending on how the sandbar is formed, seals may haul out in multiple groups at the mouth. At each thirty-minute count, the observer indicates where groups of seals are hauled out on the sandbar and provides a total count for each group. If possible, adults and pups are counted separately.

In addition to the census data, disturbances of the haul-out are recorded. The method for recording disturbances follows those in Mortenson (1996). Disturbances will be recorded on a three-point scale that represents an increasing seal response to the disturbance. The time, source, and duration of the disturbance, as well as an estimated distance between the source and haul-out, are recorded. It

should be noted that only responses falling into Mortenson's Levels 2 and 3 (*i.e.,* movement or flight) will be considered as harassment under the MMPA under the terms of the IHA. Weather conditions are recorded at the beginning of each census. These include temperature, Beaufort sea state, precipitation/visibility, and wind speed. Tide levels and estuary water surface elevations are correlated to the monitoring start and end times.

In an effort towards understanding possible relationships between use of the Jenner haul-out and nearby coastal and river haul-outs, several other haul-outs on the coast and in the Russian River estuary are monitored as well (see Figure 1 of SCWA's monitoring plan). As described above, peripheral site monitoring will occur only in the event of an extended period of lagoon conditions (*i.e.,* barrier beach closed with perched outlet channel).

Estuary Management Event Monitoring—Activities associated with artificial breaching or initial construction of the outlet channel, as well as the maintenance of the channel that may be required, will be monitored for disturbances to the seals at the Jenner haul-out. A one-day pre-event channel survey will be made within one to three days prior to constructing the outlet channel. The haul-out will be monitored on the day the outlet channel is constructed and daily for up to the maximum two days allowed for channel excavation activities. Monitoring will also occur on each day that the outlet channel is maintained using heavy equipment for the duration of the lagoon management period. Monitoring will correspond with that described under the "Baseline" section previously, with the exception that management activity monitoring duration is defined by event duration. On the day of the management event, pinniped monitoring begins at least one hour prior to the crew and equipment accessing the beach work area and continues through the duration of the event, until at least one hour after the crew and equipment leave the beach.

In an attempt to understand whether seals from the Jenner haul-out are displaced to coastal and river haul-outs nearby when management events occur, other nearby haul-outs are monitored concurrently with monitoring of outlet channel construction and maintenance activities. This provides an opportunity to qualitatively assess whether these haul-outs are being used by seals displaced from the Jenner haul-out. This monitoring will not provide definitive results regarding displacement to nearby coastal and river haul-outs, as individual seals are not marked, but is useful in tracking general trends in haul-out use during disturbance. As volunteers are required to monitor these peripheral haul-outs, haul-out locations may need to be prioritized if there are not enough volunteers available. In that case, priority will be assigned to the nearest haul-outs (North Jenner and Odin Cove), followed by the Russian River estuary haul-outs, and finally the more distant coastal haul-outs.

For all counts, the following information will be recorded in thirty-minute intervals: (1) Pinniped counts, by species; (2) behavior; (3) time, source and duration of any disturbance; (4) estimated distances between source of disturbance and pinnipeds; (5) weather conditions (*e.g.,* temperature, wind); and (5) tide levels and estuary water surface elevation.

Monitoring During Pupping Season—As described previously, the pupping season is defined as March 15 to June 30. Baseline, lagoon outlet channel, and artificial breaching monitoring during the pupping season will include records of neonate (pups less than one week old) observations. Characteristics of a neonate pup include: Body weight less than 15 kg; thin for their body length; an umbilicus or natal pelage present; wrinkled skin; and awkward or jerky movements on land. SCWA will coordinate with the Seal Watch monitoring program to determine if pups less than one week old are on the beach prior to a water level management event.

If, during monitoring, observers sight any pup that might be abandoned, SCWA will contact the NMFS stranding response network immediately and also report the incident to NMFS' West Coast Regional Office and Office of Protected Resources within 48 hours. Observers will not approach or move the pup. Potential indications that a pup may be abandoned are no observed contact with adult seals, no movement of the pup, and the pup's attempts to nurse are rebuffed.

Reporting

SCWA is required to submit a report on all activities and marine mammal monitoring results to the Office of Protected Resources, NMFS, and the West Coast Regional Administrator, NMFS, 90 days prior to the expiration of the IHA if a renewal is sought, or within 90 days of the expiration of the permit otherwise. This annual report will also be distributed to California State Parks and Stewards, and would be available to the public on SCWA's Web site. This report will contain the following information:

- The number of pinnipeds taken, by species and age class (if possible);
- Behavior prior to and during water level management events;
- Start and end time of activity;
- Estimated distances between source and pinnipeds when disturbance occurs;
- Weather conditions (*e.g.,* temperature, wind);
- Haul-out reoccupation time of any pinnipeds based on post-activity monitoring;
- Tide levels and estuary water surface elevation; and
- Seal census from bi-monthly and nearby haul-out monitoring.

The annual report includes descriptions of monitoring methodology, tabulation of estuary management events, summary of monitoring results, and discussion of problems noted and proposed remedial measures. SCWA will report any injured or dead marine mammals to NMFS' West Coast Regional Office and Office of Protected Resources.

Summary of Previous Monitoring

SCWA complied with the mitigation and monitoring required under all previous authorizations. In accordance with the 2015 IHA, SCWA submitted a Report of Activities and Monitoring Results, covering the period of January 1 through December 31, 2015. Previous monitoring reports (available at *www.nmfs.noaa.gov/pr/permits/incidental/construction.htm*) provided additional analysis of monitoring results from 2009–14. A barrier beach was formed eleven times during 2015, but SCWA was required to implement artificial breaching for only four of these closure events. The Russian River outlet was closed to the ocean for a total of 115 days in 2015, including extended closures totaling 49 days during the lagoon management period. However, these closures all culminated in natural breaches and no outlet channel management events were required (although one closure that began on October 10, before the end of the lagoon management period, led to an artificial breaching event after the close of the management period on November 2). Over the past twenty years, there has been an average of five artificial breaching events per year. Only one lagoon management event has occurred since the current lagoon management period and process was instituted in 2009. For all events, pinniped monitoring occurred no more than three days before, the day of, and the day after each water level management activity. In addition, SCWA conducted biological and physical monitoring as described

previously. During the course of these activities, SCWA did not exceed the take levels authorized under the relevant IHAs. We provided a detailed description of previous monitoring results in the notice of the proposed IHA (81 FR 8924; February 23, 2016).

Estimated Take by Incidental Harassment

Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines "harassment" as: ". . . any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment]."

We are authorizing SCWA to take harbor seals, California sea lions, and northern elephant seals, by Level B harassment only, incidental to estuary management activities. These activities, involving increased human presence and the use of heavy equipment and support vehicles, are expected to harass pinnipeds present at the haul-out through behavioral disturbance only. In addition, monitoring activities prescribed in the BiOp may result in harassment of additional individuals at the Jenner haul-out and at the three haul-outs located in the estuary.

Estimates of the number of harbor seals, California sea lions, and northern elephant seals that may be harassed by the activities is based upon the number of potential events associated with Russian River estuary management activities and the average number of individuals of each species that are present during conditions appropriate to the activity. As described previously in this document, monitoring effort at the mouth of the Russian River has shown that the number of seals utilizing the haul-out declines during bar-closed conditions. Tables 1 and 2 detail the total number of authorized takes. Methodology of take estimation was discussed in detail in our notice of proposed IHA (81 FR 8924; February 23, 2016).

TABLE 1—ESTIMATED NUMBER OF HARBOR SEAL TAKES RESULTING FROM RUSSIAN RIVER ESTUARY MANAGEMENT ACTIVITIES

Number of animals expected to occur[a]	Number of events[b c]	Potential total number of individual animals that may be taken
Lagoon Outlet Channel Management (May 15 to October 15)		
Implementation: 117[d] Maintenance and Monitoring: May: 80 June: 98 July: 117	Implementation: 3 Maintenance: May: 1 June–Sept: 4/month Oct: 1	Implementation: 351 Maintenance: 1,156
Aug: 17 Sept: 30 Oct: 28	Monitoring: June–Sept: 2/month Oct: 1	Monitoring: 552
		Total: 2,059
Artificial Breaching		
Oct: 28 Nov: 32 Dec: 59 Jan: 49 Feb: 75 Mar: 133 Apr: 99 May: 80	Oct: 2 Nov: 2 Dec: 2 Jan: 1 Feb: 1 Mar: 1 Apr: 1 May: 2	Oct: 56 Nov: 64 Dec: 118 Jan: 49 Feb: 75 Mar: 133 Apr: 99 May: 160
	12 events maximum	Total: 754
Topographic and Geophysical Beach Surveys		
Jan: 89 Feb: 173 Mar: 183 Apr: 136 May: 154 Jun: 170 Jul: 345 Aug: 143 Sep: 59 Oct: 37 Nov: 37 Dec: 134	1 topographic survey/month; 100 percent of animals present Jun–Feb; 10 percent of animals present Mar–May Jetty well removal; 2 days	Jan: 89 Feb: 173 Mar: 18 Apr: 14 May: 15 Jun: 170 Jul: 345 Aug: 143 Sep: 59 Oct: 37 Nov: 37 Dec: 134 Jetty work: 252[f]
		Total: 1,486
Biological and Physical Habitat Monitoring in the Estuary		
1[e]	165	165
Total		4,464

[a] For Lagoon Outlet Channel Management and Artificial Breaching, average daily number of animals corresponds with data from Table 2. For Topographic and Geophysical Beach Surveys, average daily number of animals corresponds with 2013–15 data from Table 1.

[b] For implementation of the lagoon outlet channel, an event is defined as a single, two-day episode. It is assumed that the same individual seals would be hauled out during a single event. For the remaining activities, an event is defined as a single day on which an activity occurs. Some events may include multiple activities.

[c] Number of events for artificial breaching derived from historical data. The average number of events for each month was rounded up to the nearest whole number; estimated number of events for December was increased from one to two because multiple closures resulting from storm events have occurred in recent years during that month. These numbers likely represent an overestimate, as the average annual number of events is five.

[d] Although implementation could occur at any time during the lagoon management period, the highest daily average per month from the lagoon management period was used.

[e] Based on past experience, SCWA expects that no more than one seal may be present, and thus have the potential to be disturbed, at each of the three river haul-outs.

[f] Jetty well removal is expected to require two days, but the specific timing of the event within a window from July–December cannot be predicted. Therefore, we use the average of the monthly averages for those months (126) to estimate potential take from this activity.

TABLE 2—ESTIMATED NUMBER OF CALIFORNIA SEA LION AND ELEPHANT SEAL TAKES RESULTING FROM RUSSIAN RIVER ESTUARY MANAGEMENT ACTIVITIES

Species	Number of animals expected to occur [a]	Number of events [a]	Potential total number of individual animals that may be taken
Lagoon Outlet Channel Management (May 15 to October 15)			
California sea lion (potential to encounter once per event)	1	6	6
Northern elephant seal (potential to encounter once per event)	1	6	6
Artificial Breaching			
California sea lion (potential to encounter once per month, Oct-May)	1	8	8
Northern elephant seal (potential to encounter once per month, Oct–May)	1	8	8
Topographic and Geophysical Beach Surveys			
California sea lion (potential to encounter once per month year-round for topographical surveys)	1	12	12
Northern elephant seal (potential to encounter once per month year-round for topographical surveys)	1	12	12
Biological and Physical Habitat Monitoring in the Estuary + Jetty Study			
California sea lion (potential to encounter once per month, Jul–Feb)	1	10	10
Northern elephant seal (potential to encounter once per month, Jul–Feb)	1	10	10
Total:			
California sea lion	.....	.....	36
Elephant seal	.....	.....	36

[a] SCWA expects that California sea lions and/or northern elephant seals could occur during any month of the year, but that any such occurrence would be infrequent and unlikely to occur more than once per month.

Analyses and Determinations

Negligible Impact Analysis

NMFS has defined "negligible impact" in 50 CFR 216.103 as " . . . an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival." A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.*, population-level effects). An estimate of the number of Level B harassment takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be "taken" through behavioral harassment, we consider other factors, such as the likely nature of any responses (*e.g.*, intensity, duration), the context of any responses (*e.g.*, critical reproductive time or location, migration), as well as the number and nature of estimated Level A harassment takes, the number of estimated mortalities, and effects on habitat.

Although SCWA's estuary management activities may disturb pinnipeds hauled out at the mouth of the Russian River, as well as those hauled out at several locations in the estuary during recurring monitoring activities, impacts are occurring to a small, localized group of animals. While these impacts can occur year-round, they occur sporadically and for limited duration (*e.g.*, a maximum of two consecutive days for water level management events). Seals will likely become alert or, at most, flush into the water in reaction to the presence of crews and equipment on the beach. While disturbance may occur during a sensitive time (during the March 15-June 30 pupping season), mitigation measures have been specifically designed to further minimize harm during this period and eliminate the possibility of pup injury or mother-pup separation.

No injury, serious injury, or mortality is anticipated, nor is the proposed action likely to result in long-term impacts such as permanent abandonment of the haul-out. Injury, serious injury, or mortality to pinnipeds would likely result from startling animals inhabiting the haul-out into a stampede reaction, or from extended mother-pup separation as a result of such a stampede. Long-term impacts to pinniped usage of the haul-out could result from significantly increased presence of humans and equipment on the beach. To avoid these possibilities, we have worked with SCWA to develop the previously described mitigation measures. These are designed to reduce the possibility of startling pinnipeds, by gradually apprising them of the presence of humans and equipment on

the beach, and to reduce the possibility of impacts to pups by eliminating or altering management activities on the beach when pups are present and by setting limits on the frequency and duration of events during pupping season. During the past fifteen years of flood control management, implementation of similar mitigation measures has resulted in no known stampede events and no known injury, serious injury, or mortality. Over the course of that time period, management events have generally been infrequent and of limited duration.

No pinniped stocks for which incidental take is authorized are listed as threatened or endangered under the ESA or determined to be strategic or depleted under the MMPA. Recent data suggests that harbor seal populations have reached carrying capacity; populations of California sea lions and northern elephant seals in California are also considered healthy. In summary, and based on extensive monitoring data, we believe that impacts to hauled-out pinnipeds during estuary management activities would be behavioral harassment of limited duration (*i.e.*, less than one day) and limited intensity (*i.e.*, temporary flushing at most). Stampeding, and therefore injury or mortality, is not expected—nor been documented—in the years since appropriate protocols were established (see Mitigation for more details). Further, the continued, and increasingly heavy (see figures in SCWA documents), use of the haul-out despite decades of breaching events indicates that abandonment of the haul-out is unlikely. Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the planned monitoring and mitigation measures, we find that the total marine mammal take from SCWA's estuary management activities will have a negligible impact on the affected marine mammal species or stocks.

Small Numbers Analysis

The authorized number of animals taken for each species of pinniped can be considered small relative to the population size. There are an estimated 30,968 harbor seals in the California stock, 296,750 California sea lions, and 179,000 northern elephant seals in the California breeding population. Based on extensive monitoring effort specific to the affected haul-out and historical data on the frequency of the specified activity, we are proposing to authorize take, by Level B harassment only, of 4,464 harbor seals, 36 California sea lions, and 36 northern elephant seals, representing 14.4, 0.01, and 0.02 percent of the populations, respectively. However, this represents an overestimate of the number of individuals harassed over the duration of the IHA, because these totals represent much smaller numbers of individuals that may be harassed multiple times. Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the mitigation and monitoring measures, we find that small numbers of marine mammals will be taken relative to the populations of the affected species or stocks.

Impact on Availability of Affected Species for Taking for Subsistence Uses

There are no relevant subsistence uses of marine mammals implicated by this action. Therefore, we have determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

Endangered Species Act (ESA)

No species listed under the ESA are expected to be affected by these activities. Therefore, we have determined that a section 7 consultation under the ESA is not required. As described elsewhere in this document, SCWA and the Corps consulted with NMFS under section 7 of the ESA regarding the potential effects of their operations and maintenance activities, including SCWA's estuary management program, on ESA-listed salmonids. As a result of this consultation, NMFS issued the Russian River Biological Opinion (NMFS, 2008), including Reasonable and Prudent Alternatives, which prescribes modifications to SCWA's estuary management activities. The effects of the proposed activities and authorized take would not cause additional effects for which section 7 consultation would be required.

National Environmental Policy Act (NEPA)

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), as implemented by the regulations published by the Council on Environmental Quality (40 CFR parts 1500–1508), and NOAA Administrative Order 216–6, we prepared an Environmental Assessment (EA) to consider the direct, indirect and cumulative effects to the human environment resulting from issuance of the original IHA to SCWA for the specified activities and found that it would not result in any significant impacts to the human environment. We signed a Finding of No Significant Impact (FONSI) on March 30, 2010. We have reviewed SWCA's application for a renewed IHA for ongoing estuary management activities for 2016 and the 2015 monitoring report. Based on that review, we have determined that the proposed action follows closely the IHAs issued and implemented in 2010–15 and does not present any substantial changes, or significant new circumstances or information relevant to environmental concerns which would require a supplement to the 2010 EA or preparation of a new NEPA document. Therefore, we have determined that a new or supplemental EA or Environmental Impact Statement is unnecessary, and rely on the existing EA and FONSI for this action. The 2010 EA and FONSI for this action are available for review at *www.nmfs.noaa.gov/pr/permits/incidental/construction.htm.*

Authorization

As a result of these determinations, we have issued an IHA to SCWA to conduct estuary management activities in the Russian River from the period of April 21, 2016, through April 20, 2017, provided the previously mentioned mitigation, monitoring, and reporting requirements are implemented.

Dated: April 8, 2016.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2016–08587 Filed 4–13–16; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE479

Endangered Species Act; Public Meeting Addendum

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting, addendum.

SUMMARY: The purpose of the program review is to ensure that recovery program priorities and implementation are aligned with resources and mission mandates; enhance and align strategic management of NMFS regulatory programs; and provide transparency in the operation of NMFS recovery

program. The purpose of this notice is to provide the final agenda and remote access information for the public meeting.

DATES: The meeting will be held Tuesday April 19, 2016, through Thursday April 21, 2016, at 9 a.m.

ADDRESSES: The meeting will be held at the NOAA Science Center, 1301 East-West Highway, Silver Spring, MD 20910; phone: 301–713–1010.

FOR FURTHER INFORMATION CONTACT: Therese Conant, NMFS Office of Protected Resources, 301–427–8456.

SUPPLEMENTARY INFORMATION: We, NMFS, announced a public meeting of a review of our recovery program under the Endangered Species Act of 1973, as amended (ESA) on March 4, 2016 (81 FR 11518). Under the ESA, section 4(f) requires the Secretary to develop and implement recovery plans for the conservation and survival of endangered and threatened species. Those recovery plans must include objective, measurable criteria which, when met, would lead to a determination that the species be removed from the list, site-specific management actions necessary to achieve the plan's goal for the conservation of the species, and estimates of the time and costs to carry out the measures identified in the plan.

We currently have final recovery plans for 47 species and draft recovery plans for five species. Recovery plans are not started or are under development for 39 species. The objective of the recovery program review is to determine if the current recovery planning process results in recovery plans that are effective roadmaps for recovering the species as evidenced by whether the plans are being implemented by NMFS and stakeholders, resulting in progress towards meeting the recovery criteria so that the species may be delisted. This review will evaluate, within the context of current budget constraints, the efficacy of the recovery planning process, including the quality of the recovery plans, the implementation of recovery actions, and the monitoring of recovery progress. This review will provide recommendations to improve recovery plans and the recovery planning and implementation process to increase the likelihood of recovering species.

The meeting is open to the public all day, and the public will have an opportunity to provide verbal or written comments in one-hour sessions each day. See agenda for remote access information and timing for public comments at under Recent News and Hot Topics at *http://www.nmfs.noaa.gov/pr/*.

Authority: 16 U.S.C. 1531 *et seq.*

Dated: April 8, 2016.

Angela Somma,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2016–08561 Filed 4–13–16; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Recruitment of First Responder Network Authority Board Members

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Notice.

SUMMARY: The National Telecommunications and Information Administration (NTIA) issues this Notice on behalf of the First Responder Network Authority (FirstNet) to initiate the annual process to seek expressions of interest from individuals who would like to serve on the FirstNet Board.[1] Four of the 12 appointments of non-permanent members to the FirstNet Board expire in August 2016. The Secretary of Commerce may reappoint individuals to serve on the FirstNet Board provided they have not served two consecutive full three-year terms.[2] NTIA issues this Notice to obtain expressions of interest in the event the Secretary must fill any vacancies arising on the Board. Expressions of interest will be accepted until May 20, 2016.

DATES: Expressions of interest must be postmarked or electronically transmitted on or before May 20, 2016.

ADDRESSES: Persons wishing to submit expressions of interest as described below should send that information to: Marsha MacBride, Acting Associate Administrator of NTIA's Office of Public Safety Communications, by email to *FirstNetBoardApplicant@ntia.doc.gov;* or by U.S. mail or commercial delivery service to: Office of Public Safety Communications, National Telecommunications and Information Administration, 1401 Constitution Avenue NW., Room 4078, Washington, DC 20230; or by facsimile transmission to (202) 482–5802. Please note that all material sent via the U.S. Postal Service (including "Overnight" or "Express Mail") is subject to delivery delays of up to two weeks due to mail security procedures.

FOR FURTHER INFORMATION CONTACT: Marsha MacBride, Acting Associate Administrator, Office of Public Safety Communications, National Telecommunications and Information Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Room 4078, Washington, DC 20230; telephone: (202) 482–5802; email: *mmacbride@ntia.doc.gov.* Please direct media inquiries to NTIA's Office of Public Affairs, (202) 482–7002.

SUPPLEMENTARY INFORMATION:

I. Background and Authority

The Middle Class Tax Relief and Job Creation Act of 2012 (Act) created the First Responder Network Authority (FirstNet) as an independent authority within NTIA and charged it with ensuring the building, deployment, and operation of a nationwide, interoperable public safety broadband network, based on a single, national network architecture.[3] FirstNet is responsible for, at a minimum, ensuring nationwide standards for use and access of the network; issuing open, transparent, and competitive requests for proposals (RFPs) to build, operate, and maintain the network; encouraging these RFPs to leverage, to the maximum extent economically desirable, existing commercial wireless infrastructure to speed deployment of the network; and managing and overseeing contracts with non-federal entities to build, operate, and maintain the network.[4] FirstNet holds the single public safety license granted for wireless public safety broadband deployment. The FirstNet Board is responsible for providing overall policy direction and oversight of FirstNet to ensure the success of the nationwide network.

II. Structure

The FirstNet Board is composed of 15 voting members. The Act names the

[1] The Middle Class Tax Relief and Job Creation Act of 2012 (Act) created FirstNet as an independent authority within NTIA, directing it to ensure the building, deployment, and operation of a single nationwide interoperable broadband network. Middle Class Tax Relief and Job Creation Act of 2012, Public Law 112–96, 126 Stat. 156 ("Act"), *codified* at 47 U.S.C. 1401 *et. seq.* FirstNet must exercise, through the actions of its Board, all powers specifically granted by the provisions of the Act and such incidental powers as shall be necessary. 47 U.S.C. 1424(b)(1). The Secretary of Commerce shall appoint 12 non-permanent members of the Board, with the Secretary of Homeland Security, the Attorney General of the United States, and the Director of the Office of Management and Budget serving as permanent members of the Board. 47 U.S.C. 1424(b)(1).

[2] 47 U.S.C. 1424(c)(2)(A)(ii).

[3] 47 U.S.C. 1422(b).

[4] 47 U.S.C. 1426(b)(1).

Secretary of the Department of Homeland Security, the Attorney General of the United States, and the Director of the Office of Management and Budget as permanent members of the FirstNet Board. The Secretary of Commerce appoints the twelve non-permanent members of the FirstNet Board.[5] The Act requires each Board member to have experience or expertise in at least one of the following substantive areas: Public safety, network, technical, and/or financial.[6] Additionally, the composition of the FirstNet Board must satisfy the other requirements specified in the Act, including that: (i) At least three Board members have served as public safety professionals; (ii) at least three members represent the collective interests of states, localities, tribes, and territories; and (iii) its members reflect geographic and regional, as well as rural and urban, representation.[7] An individual Board member may satisfy more than one of these requirements. The current non-permanent FirstNet Board members are (noting length of term):

- Barry Boniface, Private equity investor and telecommunications executive (Term expires: August 2016)
- Chris Burbank, Chief of Police, Salt Lake City, Utah (retired) (Term expires: August 2017)
- Neil E. Cox, Telecommunications/technology executive (Term expires: August 2018)
- James H. Douglas, Former Governor, Vermont (Term expires: August 2017)
- Edward Horowitz, Venture capital/technology executive (Term expires: August 2018)
- Jeffrey Johnson (Vice Chair), Fire Chief (retired); CEO, Western Fire Chiefs Association; Former Chair, State Interoperability Council, State of Oregon (Term expires: August 2016)
- Kevin McGinnis, Chief/CEO, North East Mobile Health Services (Term expires: August 2018)
- Annise Parker, Former Mayor, City of Houston, Texas (Term expires: August 2018)
- Ed Reynolds, Telecommunications executive (retired) (Term expires: August 2017)
- Richard Stanek, Sheriff, Hennepin County, Minnesota and National Sheriffs' Association Executive Committee Member (Term expires: August 2017)
- Susan Swenson (Chair), Telecommunications/technology executive (Term expires: August 2016)
- Teri Takai, Government information technology expert; former CIO, States of Michigan and California (Term expires: August 2016)

More information about the FirstNet Board is available at *www.firstnet.gov/about/Board*. Board members are appointed for a term of three years, and Board members may not serve more than two consecutive full three-year terms.

III. Compensation and Status as Government Employees

FirstNet Board members are appointed as special government employees. FirstNet Board members are compensated at the daily rate of basic pay for level IV of the Executive Schedule (approximately $160,300 per year).[8] Each Board member must be a United States citizen, cannot be a registered lobbyist, and cannot be a registered agent of, employed by, or receive payments from a foreign government.[9]

IV. Financial Disclosure and Conflicts of Interest

FirstNet Board members must comply with certain federal conflict of interest statutes and ethics regulations, including some financial disclosure requirements. A FirstNet Board member will generally be prohibited from participating on any particular matter that will have a direct and predictable effect on his or her personal financial interests or on the interests of the appointee's spouse, minor children, or non-federal employer.

V. Selection Process

At the direction of the Secretary of Commerce, NTIA, in consultation with FirstNet, will conduct outreach to the public safety community, state and local organizations, and industry to solicit nominations for candidates to the Board who satisfy the statutory requirements for membership. In addition, by this Notice, the Secretary of Commerce, through NTIA, will accept expressions of interest until May 20, 2016 from any individual, or any organization that wishes to propose a candidate, who satisfies the statutory requirements for membership on the FirstNet Board.[10]

All parties wishing to be considered should submit their full name, address, telephone number, email address, a current resume, and a statement of qualifications that references how the candidate satisfies the Act's expertise, representational, and geographic requirements for FirstNet Board membership, as described in this Notice, along with a statement describing why they want to serve on the FirstNet Board and affirming their ability and availability to take a regular and active role in the Board's work.

The Secretary of Commerce will select FirstNet Board candidates based on the eligibility requirements in the Act and recommendations submitted by NTIA, in consultation with the FirstNet Board's Governance and Personnel Committee. NTIA will recommend candidates based on an assessment of their qualifications as well as their demonstrated ability to work in a collaborative way to achieve the goals and objectives of FirstNet as set forth in the Act. Board candidates will be vetted through the Department of Commerce and are subject to an appropriate background check for security clearance.

Dated: April 11, 2016.

Lawrence E. Strickling,

Assistant Secretary for Communications and Information.

[FR Doc. 2016–08664 Filed 4–13–16; 8:45 am]

BILLING CODE 3510–60–P

[5] 47 U.S.C. 1424(b).

[6] 47 U.S.C. 1424(b)(2)(B).

[7] 47 U.S.C. 1424(b)(2)(A).

[8] 47 U.S.C. 1424(g).

[9] *See, Revised Guidance on Appointment of Lobbyists to Federal Advisory Committees, Boards, and Commissions,* Office of Management and Budget, 79 FR 47482 (Aug. 13, 2014).

[10] Incumbent Board members whose terms expire in August 2016, and who wish to be considered for reappointment, do not need to submit an expression of interest in response to this Notice.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Proposed Information Collection; Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (CNCS), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. Sec. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirement on respondents can be properly assessed.

Currently, CNCS is soliciting comments concerning its proposed renewal of the External Reviewer Application which is used by CNCS to recruit individuals to review grant applications. The information will be provided by individuals wishing to serve as external review participants for CNCS's grant review processes. The completion of this information collection is required to be considered as a potential reviewer for CNCS.

Copies of the information collection request can be obtained by contacting the office listed in the **ADDRESSES** section of this Notice.

DATES: Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by June 13, 2016.

ADDRESSES: You may submit comments, identified by the title of the information collection activity, by any of the following methods:

(1) By mail sent to: Corporation for National and Community Service, Office of Grants Policy and Operations, Attention: Vielka Garibaldi, Director, Room 3228, 250 E Street SW., Washington, DC 20525.

(2) By hand delivery or by courier to the CNCS mailroom on the 4th floor at the mail address given in paragraph (1) above, between 9:00 a.m. and 4:00 p.m. Eastern Time, Monday through Friday, except Federal holidays.

(3) Electronically through *www.regulations.gov.*

Individuals who use a telecommunications device for the deaf (TTY–TDD) may call 1–800–833–3722 between 8:00 a.m. and 8:00 p.m. Eastern Time, Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Vielka Garibaldi, 202–606–6886, or by email at *PeerReviewers@cns.gov.*

SUPPLEMENTARY INFORMATION: CNCS is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of CNCS, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are expected to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (*e.g.,* permitting electronic submissions of responses).

Background

The External Reviewer Application is used by individuals who wish to serve as External Reviewers or External Panel Coordinators for CNCS when external reviewers are needed to review grant applications. The information collected will be used by CNCS to select review participants for each grant competition. The information is collected electronically using "Grants and Member Management" (GMM), CNCS's web-based system.

Current Action

CNCS seeks to renew the current information collection. The application and instructions have been updated in order to capture the required information in a more streamlined fashion within the GMM system. The information collection will otherwise be used in the same manner as the existing application. CNCS also seeks to continue using the current application until the revised application is approved by OMB. The current application is due to expire on September 30, 2016.

Type of Review: Renewal.

Agency: Corporation for National and Community Service.

Title: CNCS External Reviewer Application.

OMB Number: 3045–0090.

Agency Number: None.

Affected Public: Individuals interested in serving as External Reviewers and External Panel Coordinators for CNCS's grant reviews.

Total Respondents: 2,000.

Frequency: One time to complete.

Average Time per Response: Averages 30 minutes.

Estimated Total Burden Hours: 1,000 hours.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: April 8, 2016.

Vielka Garibaldi,

Director, Office of Grants Policy and Operations.

[FR Doc. 2016–08663 Filed 4–13–16; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 16–23]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Heather N. Harwell, DSCA/LMO, (703) (703) 697–9217.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 16–23 with attached Policy Justification and Sensitivity of Technology.

Dated: April 8, 2016.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

The Honorable Paul D. Ryan
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

APR 0 4 2016

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 16-23, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Australia for defense articles and services estimated to cost $386 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

J. W. Rixey
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

Transmittal No. 16–23

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Australia

(ii) *Total Estimated Value:*

Major Defense Equipment *	$172 million
Other	$214 million
Total	$386 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Up to 2,950 GBU–39/B Small Diameter Bomb I (SDB I)

Up to 50 Guided Test Vehicles (GTV) with GBU–39 (T–1)/B (Inert Fuze)

Non-MDE:

This request also includes the following Non-MDE: containers, weapons system support equipment, support and test equipment, site survey, transportation, repair and return warranties, spare and repair parts, publications and technical data, maintenance, personnel training, and training equipment, U.S. Government and contractor representative engineering, logistics, and technical support services, and other related elements of logistics support.

(iv) *Military Department:* Air Force (YAF)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Annex attached.

(viii) *Date Report Delivered to Congress:* 04 April 2016

* As defined in Section 47(6) of the Arms Export Control Act.

Policy Justification

Australia—GBU–39 (Small Diameter Bomb Increment I)

The Government of Australia has requested a possible sale of:

Major Defense Equipment (MDE):

Up to 2,950 GBU–39/B Small Diameter Bomb I (SDB I)

Up to 50 Guided Test Vehicles (GTV) with GBU–39 (T–1)/B (Inert Fuze)

This request also includes the following Non-MDE: containers, weapons system support equipment, support and test equipment, site survey, transportation, repair and return warranties, spare and repair parts, publications and technical data, maintenance, personnel training, and training equipment, U.S. Government and contractor representative engineering, logistics, and technical support services, and other related elements of logistics support.

The total estimated value of MDE is $172 million. The total overall estimated value is $386 million.

Australia is one of our most important allies in the Western Pacific. The strategic location of this political and economic power contributes significantly to ensuring peace and economic stability in the region. This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a major contributor to political stability, security, and economic development in the Pacific region and globally.

The sale of SDB I supports and complements the on-going sale of the F–35 to the Royal Australian Air Force (RAAF). This capability will strengthen combined operations and increase interoperability between the U.S. Air Force and the RAAF. Australia will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment will not alter the basic military balance in the region.

The principal contractor for production is Boeing in St. Louis, Missouri. The principal contractor for integration is unknown and will be determined during contract negotiations. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. or contractor representatives to Australia.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 16–23

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. Sensitive and/or classified (up to SECRET) elements of the proposed acquisition include hardware, accessories, components, and associated software: GBU–39/B Small Diameter Bomb Increment I (SDB I). Additional sensitive areas include operating manuals and maintenance technical orders containing performance information, operating and test procedures, and other information related to the support operations and repair. The hardware, software, and data identified are classified to protect vulnerabilities, design and performance parameters, and other similar critical information.

2. The GBU–39/B Small Diameter Bomb Increment I (SDB I) is a 250-pound class weapon designed as a small, all-weather, autonomous, conventional, air-to-ground, precision glide weapon able to strike fixed and stationary re-locatable targets from standoff range. The SDB I weapon system consists of the weapons, the BRU–61/A (4-place pneumatic carriage system), shipping and handling containers for a single weapon and the BRU–61/A either empty or loaded, and a weapon planning module. It has integrated diamond-back type wings that deploy after releases, which increases the glide time and therefore maximum range. The SDB I Anti-Jam Global Positioning System aided Inertial Navigation System (AJGPS/INS) provides guidance to the coordinates of a stationary target. The payload/warhead is a very effective multipurpose penetrating and blast fragmentation warhead coupled with a cockpit selectable electronic fuze. Its size and accuracy allow for an effective munition with less collateral damage. A proximity sensor provides height of burst capability.

3. A determination has been made that the recipient country can provide substantially the same degree of protection for the sensitive technology associated with this system as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

4. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Australia.

[FR Doc. 2016–08585 Filed 4–13–16; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2016–OS–0038]

Proposed Collection; Comment Request

AGENCY: Defense Finance and Accounting Service (DFAS), DoD.

ACTION: Notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the DFAS announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by June 13, 2016.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* ODCMO, Directorate for Oversight and Compliance, 4800 Mark Center Drive, Attn: Mailbox 24, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting

comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Defense Finance and Accounting Service; Chief of Financial Operations; Retired and Annuitant Pay External Communications Division; ATTN: Chuck Moss, Cleveland, OH 44199–2001, or call at (216) 204–4426.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Certificate of Existence Series; "Certificate of Existence," DFAS Form 1800/97; "Certificate of Existence Non-Receipt Notice," DFAS Form 1800/98; "Certificate of Existence Suspension Notice," DFAS Form 1800/99; OMB Control Number 0730–XXXX.

Needs and Uses: The information collection requirement is necessary to verify continued eligibility for benefits of a retiree receiving hard copy checks in a foreign country. DFAS Form 1800/98 is used as a second notice, and subsequently, DFAS Form 1800/99 is used as a third notice and payment suspended if not completed and returned.

Affected Public: Individuals and Households.

Annual Burden Hours: 75.

Number of Respondents: 150.

Responses per Respondent: 2.

Annual Responses: 300.

Average Burden per Response: 15 minutes.

Frequency: Bi-annually.

Respondents are retirees living in a foreign country who receive a hard copy check mailed to them. Payments are suspended if the DFAS Form 1800–99 is not returned.

Dated: April 8, 2016.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2016–08562 Filed 4–13–16; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2016–OS–0039]

Proposed Collection; Comment Request

AGENCY: Defense Finance and Accounting Service (DFAS), DoD.

ACTION: Notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the DFAS announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by June 13, 2016.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* ODCMO, Directorate for Oversight and Compliance, 4800 Mark Center Drive, Attn: Mailbox 24, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Defense Finance and Accounting Service, Office of Financial Operations, Retired and Annuitant Pay, External Communications Division, ATTN: Chuck Moss, Cleveland, OH 44199–2001, or call at (216) 204–4426.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Report of Existence Series; "Report of Existence," DFAS Form 1800–100; "Report of Existence Non-Receipt Notice," DFAS Form 1800–101; and "Report of Existence Suspension Notice;" DFAS Form 1800–102; OMB Control Number 0730–XXXX.

Needs and Uses: The information collection requirement is necessary for a trustee, guardian, or conservator of a military retiree to verify eligibility of benefits. The DFAS 1800–101 is used as a second notice, and subsequently, DFAS 1800–102 is used as a third notice and suspension of benefits.

Affected Public: Individuals or Households.

Annual Burden Hours: 650.

Number of Respondents: 1300.

Responses per Respondent: 2.

Annual Responses: 2600.

Average Burden per Response: 15 minutes.

Frequency: Bi-annually.

Respondents are trustees, guardians, or conservators of military retiree to verify eligibility of benefits. Payments are suspended if the DFAS Form 1800–102 is not returned.

Dated: April 8, 2016.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2016–08567 Filed 4–13–16; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2016–OS–0040]

Proposed Collection; Comment Request

AGENCY: Defense Technical Information Center (DTIC), DoD.

ACTION: Notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Defense Technical Information Center (DTIC) announces a proposed extension of a public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by June 13, 2016.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* ODCMO, Directorate for Oversight and Compliance, 4800 Mark Center Drive, Attn: Mailbox 24, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Defense Technical Information Center (DTIC), Communications & Customer Access Division, ATTN: Ms. Angela Davis, 8725 John J. Kingman Road, Suite 0944, Ft. Belvoir, VA 22060–6218, or call the DTIC Communication & Customer Access Division at (703) 767–8207.

SUPPLEMENTARY INFORMATION: The purpose of these surveys is to assess the level of service DTIC provides to its current customers. The surveys will provide information on the level of overall customer satisfaction and on customer satisfaction with several attributes of service which impact the level of overall satisfaction. The objectives of the survey are to help DTIC (1) gauge the level of satisfaction among users and (2) identify possible areas for improving our products and services. The surveys are designed to assist in evaluating the following knowledge objectives:

- To improve customer retention.
- To determine the perceived quality of products, service, and customer care.
- To indicate trends in products, services, and customer care.
- To benchmark DTIC's customer satisfaction results with other Federal government agencies.

Title; Associated Form; and OMB Number: Customer Satisfaction Surveys—Generic Clearance; OMB Control Number 0704–0403.

Needs and Uses: The information collection requirement is necessary to assess the level of service the DTIC provides to its current customers. The surveys will provide information on the level of overall customer satisfaction as well as on customer satisfaction with several attributes of service that impact the level of overall satisfaction. These customer satisfaction surveys are required to implement Executive Order 12862, "Setting Customer Service Standards." Respondents are DTIC registered users who are components of the DoD, military services, other Federal Government Agencies, U.S. Government contractors, and universities involved in federally funded research. The information obtained by these surveys will be used to assist agency senior management in determining agency business policies and processes that should be selected for examination, modification, and reengineering from the customer's perspective. These surveys will also provide statistical and demographic basis for the design of follow-on surveys. Future surveys will be used to assist monitoring of changes in the level of customer satisfaction overtime.

Affected Public: Business or other for profit; Not-for-profit institutions.

Annual Burden Hours: 6400.

Number of Respondents: 6400.

Responses per Respondent: 10.

Annual Responses: 64,000.

Average Burden per Response: 6.0 minutes.

Frequency: On occasion.

The universe population can be composed of the Defense community including components of the Department of Defense and the military services, other federal government agencies, U.S. government contractors, Private Industry, and College/University. The respondents will be able to come to a Web site and/or URL to volunteer to respond to a web based feedback form.

Dated: April 11, 2016.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2016–08614 Filed 4–13–16; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2016–OS–0036]

Proposed Collection; Comment Request

AGENCY: Defense Acquisition University, DoD.

ACTION: Notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Defense Acquisition University announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by June 13, 2016.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* ODCMO, Directorate for Oversight and Compliance, 4800 Mark Center Drive, Attn: Mailbox 24, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this

proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Information Management Control Officer (Chris Johnson), Office of the Chief Information Officer, Defense Acquisition University, 9820 Belvoir Road, Ft. Belvoir, VA or call (703) 805–4854.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Defense Acquisition University, Data Services Management; OMB Control Number 0704–XXXX.

Needs and Uses: The information collection requirement is necessary to permit an individual to register for access to a DAU training, knowledge sharing and collaboration systems. The information is used to evaluate the individual's eligibility for access to DAU training, knowledge sharing and collaboration systems and to notify the individual of approval or disapproval of the request. It also provides administrative and academic capabilities and functions related to student registrations, account requests, courses attempted and completed, graduation notifications to DoD training systems.

Affected Public: Individuals or Households.

Annual Burden Hours: 833.

Number of Respondents: 10,000.

Responses Per Respondent: 1.

Annual Responses: 10,000.

Average Burden Per Response: 5 minutes.

Frequency: On occasion.

Respondents are university applicants and instructors who willingly provide personal information to take courses administered by the Defense Acquisition University or access DAU training, knowledge sharing and collaboration systems. Failure to provide required information results in the individual being denied access to DAU training, knowledge sharing and collaboration systems and its course offerings. The data is used by DoD and University officials to: Provide for the administration of and a records of academic performance of current, former and nominated students; verify grades; select instructors; make decisions to admit students to programs and classes, and to release students from programs; serve as a basis for studies to determine improved criteria for selecting students into classes, expertise identification and to develop statistics relating to duty assignments and qualifications based on DoD mandated training needs.

Dated: April 8, 2016.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2016–08542 Filed 4–13–16; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Charter Renewal of Department of Defense Federal Advisory Committees

AGENCY: Department of Defense.

ACTION: Renewal of Federal Advisory Committee.

SUMMARY: The Department of Defense (DoD) is publishing this notice to announce that it is amending the charter for the Air University Board of Visitors ("the Board").

FOR FURTHER INFORMATION CONTACT: Jim Freeman, Advisory Committee Management Officer for the Department of Defense, 703–692–5952.

SUPPLEMENTARY INFORMATION: The Board's charter is being renewed in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 CFR 102–3.50(d). The Board's charter and contact information for the Board's Designated Federal Officer (DFO) can be found at *http://www.facadatabase.gov/.*

The Board provides the Secretary of Defense and the Deputy Secretary of Defense, through the Secretary of the Air Force, independent advice and recommendations on educational, doctrinal, and research policies and activities of the Air University.

The Board is comprised of no more than 15 members who are eminent authorities in the fields of air power, defense, management, leadership, and academia. All members of the Board are appointed to provide advice on behalf of the Government on the basis of their best judgment without representing any particular point of view and in a manner that is free from conflict of interest. Except for reimbursement of official Board-related travel and per diem, Board members serve without compensation.

The DoD, when necessary and consistent with the Board's mission and DoD policies and procedures, may establish subcommittees, task forces, or working groups to support the Board. Currently, the Secretary of the Air Force has approved one permanent subcommittee to the Board, the Air Force Institute of Technology (AFIT) Subcommittee. The AFIT Subcommittee is composed of no more than 15 members. The primary focus of the Subcommittee is to provide advice and recommendations to the Board concerning Department of the Air Force engineering and technology graduate programs.

The public or interested organizations may submit written statements to Board membership about the Board's mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meeting of the Board. All written statements shall be submitted to the DFO for the Board, and this individual will ensure that the written statements are provided to the membership for their consideration.

Dated: April 11, 2016.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2016–08590 Filed 4–13–16; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2016–OS–0037]

Proposed Collection; Comment Request

AGENCY: Defense Finance and Accounting Service (DFAS), DoD.

ACTION: Notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the DFAS announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by June 13, 2016.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* ODCMO, Directorate for Oversight and Compliance, 4800 Mark

Center Drive, Attn: Mailbox 24, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Defense Finance and Accounting Service, 8899 E. 56th Street, Indianapolis, Indiana 46249, ATTN: DFAS–IN/ZPF, Column 327E, Dennis Vollmer, or call DFAS, Finance Policy, at 317–212–5320.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Travel Voucher Series to include, "Travel Voucher," DD 1351, "Travel Voucher or Subvoucher," DD 1351–2, "Travel Voucher or Subvoucher Continuation Sheet," DD 1351–2C; OMB Control Number 0730–XXXX.

Needs and Uses: The information collection requirement is necessary to provide for manual input for an automated means of computing reimbursements for individuals for expenses incurred incident to travel for official Government business purposes, accounting for such payments, and reporting those payments necessary for tax purposes to the Internal Revenue service (IRS).

Affected Public: Individuals and Households.

Annual Burden Hours: 229,000.

Number of Respondents: 550,000.

Responses per Respondent: 1.

Annual Responses: 550,000.

Average Burden per Response: 25 minutes.

Frequency: On occasion.

On occasion of completion of official Government travel, information on military Service member dependents, civilian employee dependents, and military retirees and their dependents, is collected in order to properly complete the DD 1351, 1351–2, and 1351–2C, and to submit to DoD as a claim against the Government for monetary travel entitlements due a traveler authorized by DoD regulations governing official Government travel. Data collection on these forms is necessary in order to provide the pertinent information for submission of forms to a travel computation office which is responsible for manually entering the required data into computer software programs designed to accurately calculate monetary entitlements due to an official government traveler and their dependents. If this information is not collected and submitted to the DoD, accurate calculations and payments of entitled monetary amounts due to a traveler may not occur.

Dated: April 8, 2016.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2016–08549 Filed 4–13–16; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Notice of Intent to Grant an Exclusive License; SW Complete, Inc

AGENCY: National Security Agency, DoD.

ACTION: Notice.

SUMMARY: The National Security Agency hereby gives notice of its intent to grant SW Complete, Inc. a revocable, non-assignable, exclusive, license to practice the following Government-Owned invention as described and claimed in United States Patent Numbers (USPN), 6,515,666 B1, Method for Constructing Graph and 6,311,183 B1, Method for Finding Large Numbers of Keywords in Continuous Text Streams.

DATES: Anyone wishing to object to the grant of this license has until April 29, 2016 to file written objections including evidence and argument that establish that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

ADDRESSES: Written objections are to be filed with the National Security Agency Technology Transfer Program, 9800 Savage Road, Suite 6843, Fort George G. Meade, MD 20755–6843.

FOR FURTHER INFORMATION CONTACT: Linda L. Burger, Director, Technology Transfer Program, 9800 Savage Road, Suite 6843, Fort George G. Meade, MD 20755–6843, telephone (443) 634–3518.

SUPPLEMENTARY INFORMATION: The prospective exclusive license will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The patent rights in these inventions have been assigned to the United States Government as represented by the National Security Agency.

Dated: April 11, 2016.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2016–08593 Filed 4–13–16; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2016–ICCD–0008]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Parent Information and School Choice Evaluation

AGENCY: Institute of Education Sciences (IES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 3501 *et seq.*), ED is proposing a new information collection.

DATES: Interested persons are invited to submit comments on or before May 16, 2016.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2016–ICCD–0008. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 2E–103, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Meredith Bachman, 202–245–7494.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general

public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Parent Information and School Choice Evaluation.

OMB Control Number: 1850–NEW.

Type of Review: A new information collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 1,175.

Total Estimated Number of Annual Burden Hours: 769.

Abstract: Sponsored by the Institute of Education Sciences (IES), U.S. Department of Education, the Parent Information and School Choice Evaluation (PISCE) is an important first step toward filling the wide gap in knowledge about how to present school choice information to parents. This research is needed to provide guidance to districts where school choice is expanding. PISCE seeks to identify the format, amount, and organization of information that is most comprehensible and usable to parents. The study will target low-income parents of school-age children and will evaluate perceptions of different presentations of school information. The results of the study will be used to create a reader-friendly guide for school districts.

IES has contracted with Mathematica Policy Research to conduct the needed research. Most of the experiment will be conducted with members of a standing panel who already complete surveys on a regular basis for a variety of purposes. This approach provides a low-cost and quick turnaround method to obtain findings related to the understandability of school choice information, which does not require respondents to be making actual school choices for their children. To enhance what can be learned from the standing panel, the research team also intends to recruit a sample of low-income parents of school-age children from locations where a public school choice marketplace with unified enrollment has been active for at least two years. Parents who have experienced public school choice or are at least exposed to open enrollment in their district may experience the experiment differently than the standing panel members, for whom considering schools other than one's default neighborhood school may be unfamiliar. This augmented sample of, presumably, less survey-savvy low-income parents will be used to provide a sensitivity check of the findings based on the standing panel alone.

Dated: April 8, 2016.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2016–08536 Filed 4–13–16; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER13–78–009.
Applicants: UNS Electric, Inc.
Description: Compliance filing: Attachment K Compliance Filing to be effective 10/1/2015.
Filed Date: 4/6/16.
Accession Number: 20160406–5168.
Comments Due: 5 p.m. ET 4/27/16.

Docket Numbers: ER15–936–002; ER15–960–002; ER10–1514–002; ER13–343–005; ER13–342–010.
Applicants: Benson Power, LLC, CPV Biomass Holdings, LLC, CPV Keenan II Renewable Energy Company, LLC, CPV Maryland, LLC, CPV Shore, LLC.
Description: Notice of Change in Status of Benson Power, LLC, et al.
Filed Date: 4/6/16.
Accession Number: 20160406–5196.
Comments Due: 5 p.m. ET 4/27/16.

Docket Numbers: ER16–277–002.
Applicants: Talen Energy Marketing, LLC.
Description: Compliance filing: Compliance Filing to be effective N/A.
Filed Date: 4/6/16.
Accession Number: 20160406–5172.
Comments Due: 5 p.m. ET 4/27/16.

Docket Numbers: ER16–748–001.
Applicants: Sentinel Energy Center, LLC.
Description: Notice of Change in Status of Sentinel Energy Center, LLC.
Filed Date: 4/6/16.
Accession Number: 20160406–5175.
Comments Due: 5 p.m. ET 4/27/16.

Docket Numbers: ER16–1352–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2016–04–06_SA 2912 WPSC–WPSC FCA (Gaylord) (J392) to be effective 4/7/2016.
Filed Date: 4/6/16.
Accession Number: 20160406–5139.
Comments Due: 5 p.m. ET 4/27/16.

Docket Numbers: ER16–1353–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2016–04–06_SA 2896 METC–WPSC 1st Rev. GIA (J392) to be effective 4/7/2016.
Filed Date: 4/6/16.
Accession Number: 20160406–5151.
Comments Due: 5 p.m. ET 4/27/16.

Docket Numbers: ER16–1354–000.
Applicants: Live Oak Solar, LLC.
Description: Baseline eTariff Filing: Live Oak Solar, LLC Application for Market-Based Rates to be effective 9/1/2016.
Filed Date: 4/6/16.
Accession Number: 20160406–5169.
Comments Due: 5 p.m. ET 4/27/16.

Docket Numbers: ER16–1355–000.
Applicants: Westar Energy, Inc.
Description: Compliance filing: TFR Revisions to Attachment H–1, OATT to be effective 8/20/2014.
Filed Date: 4/6/16.
Accession Number: 20160406–5171.
Comments Due: 5 p.m. ET 4/27/16.

Docket Numbers: ER16–1356–000.
Applicants: ITC Midwest LLC.
Description: § 205(d) Rate Filing: Filing to Comply with Docket No. ER12–1645–000 to be effective 6/6/2016.
Filed Date: 4/6/16.
Accession Number: 20160406–5173.
Comments Due: 5 p.m. ET 4/27/16.

Docket Numbers: ER16–1357–000.
Applicants: Southern California Edison Company.
Description: § 205(d) Rate Filing: DSA PVN Management, LLC Milliken Landfill Solar I and II Project to be effective 6/7/2016.
Filed Date: 4/7/16.
Accession Number: 20160407–5000.
Comments Due: 5 p.m. ET 4/28/16.

Docket Numbers: ER16–1358–000.

Applicants: Southern Company Services, Inc.

Description: Notice of Termination of Restated Interchange Contract between Southern Company Services, Inc. and Cajun Electric Power Cooperative, Inc.

Filed Date: 4/6/16.

Accession Number: 20160406–5180.

Comments Due: 5 p.m. ET 4/27/16.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES16–26–000.

Applicants: Consumers Energy Company.

Description: Application of Consumers Energy Company for Authority to Issue Securities.

Filed Date: 4/6/16.

Accession Number: 20160406–5179.

Comments Due: 5 p.m. ET 4/27/16.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 7, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–08599 Filed 4–13–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG16–86–000.

Applicants: Oliver Wind III, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Oliver Wind III, LLC.

Filed Date: 4/8/16.

Accession Number: 20160408–5206.

Comments Due: 5 p.m. ET 4/29/16.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2437–004.

Applicants: Arizona Public Service Company.

Description: Market Power Analysis for the Energy Imbalance Market of Arizona Public Service Company.

Filed Date: 4/8/16.

Accession Number: 20160408–5151.

Comments Due: 5 p.m. ET 6/7/16.

Docket Numbers: ER16–999–001.

Applicants: Greenleaf Energy Unit 1 LLC.

Description: Tariff Amendment: Greenleaf Energy Unit 1 LLC Response to Staff Request to be effective 2/24/2016.

Filed Date: 4/8/16.

Accession Number: 20160408–5189.

Comments Due: 5 p.m. ET 4/29/16.

Docket Numbers: ER16–1368–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to WMPA SA No. 4299, Queue No. AA2–072 per Assignment to WGL Energy to be effective 10/13/2015.

Filed Date: 4/8/16.

Accession Number: 20160408–5123.

Comments Due: 5 p.m. ET 4/29/16.

Docket Numbers: ER16–1369–000.

Applicants: Commonwealth Edison Company, PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: ComEd submits revisions to OATT Attachment H–13 to remove charge to Energy Vault to be effective 4/8/2016.

Filed Date: 4/8/16.

Accession Number: 20160408–5165.

Comments Due: 5 p.m. ET 4/29/16.

Docket Numbers: ER16–1370–000.

Applicants: Northern States Power Company, a Minnesota corporation.

Description: Notice of Cancellation of Rate Schedule No. 342 between N Northern States Power Company, a Minnesota corporation and Great River Energy.

Filed Date: 4/8/16.

Accession Number: 20160408–5194.

Comments Due: 5 p.m. ET 4/29/16.

Docket Numbers: ER16–1371–000.

Applicants: 63SU 8ME LLC.

Description: Baseline eTariff Filing: Baseline New to be effective 6/7/2016.

Filed Date: 4/8/16.

Accession Number: 20160408–5212.

Comments Due: 5 p.m. ET 4/29/16.

Docket Numbers: ER16–1372–000.

Applicants: Nevada Power Company.

Description: § 205(d) Rate Filing: Rate Schedule No. 117 1st Amded Restated Agr. NPC/SPPC/Great Basin South Refiled to be effective 1/1/9998.

Filed Date: 4/8/16.

Accession Number: 20160408–5241.

Comments Due: 5 p.m. ET 4/29/16.

Docket Numbers: ER16–1373–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to ISA SA No. 3165, Queue No. W2–019 to be effective 11/28/2011.

Filed Date: 4/8/16.

Accession Number: 20160408–5244.

Comments Due: 5 p.m. ET 4/29/16.

Docket Numbers: ER16–1374–000.

Applicants: San Diego Gas & Electric Company.

Description: § 205(d) Rate Filing: Implementation of CPUC Vehicle Grid Integration Pilot Program Volumetric Rate to be effective 6/7/2016.

Filed Date: 4/8/16.

Accession Number: 20160408–5291.

Comments Due: 5 p.m. ET 4/29/16.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 8, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–08602 Filed 4–13–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR16–14–000]

Medallion Pipeline Company, LLC; Notice of Petition for Declaratory Order

Take notice that on March 31, 2016, pursuant to Rule 207(a)(2) of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.207(a)(2) (2015), Medallion Pipeline Company, LLC (Medallion), filed a petition for a declaratory order addressing its third set

of expansions of Medallion's crude oil pipeline system. Medallion states that the expansion projects will significantly extend the geographic reach of the Medallion system, expand Medallion's mainline capacity and provide shippers with significant flexibility and beneficial new outlets for crude oil production, all as more fully explained in the petition.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on April 29, 2016.

Dated: April 8, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–08605 Filed 4–13–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Staff Attendance at Southwest Power Pool Regional Entity Trustee, Regional State Committee, Members' and Board of Directors' Meetings

The Federal Energy Regulatory Commission (Commission) hereby gives notice that Commissioners and members of its staff may attend the meetings of the Southwest Power Pool, Inc. (SPP) Regional Entity Trustee (RE), Regional State Committee (RSC), SPP Members Committee and Board of Directors, as noted below. Their attendance is part of the Commission's ongoing outreach efforts.

All meetings will be held at the El Dorado Hotel, 309 West San Francisco St., Santa Fe, NM 87501. The phone number is (505) 988–4455.

SPP RE

April 25, 2016 (8:00 a.m.–3:00 p.m.)

SPP RSC

April 25, 2016 (1:00 p.m.–5:00 p.m.)

SPP Members/Board of Directors

April 26, 2016 (8:00 a.m.–3:00 p.m.)

The discussions may address matters at issue in the following proceedings:

Docket No. ER11–1844, *Midcontinent Independent System Operator, Inc.*
Docket No. EL12–60, *Southwest Power Pool, Inc., et al.*
Docket No. ER12–1179, *Southwest Power Pool, Inc.*
Docket No. ER12–1586, *Southwest Power Pool, Inc.*
Docket No. ER13–1937, *Southwest Power Pool, Inc.*
Docket No. ER13–1939, *Southwest Power Pool, Inc.*
Docket No. EL15–66, *Southern Company Services, et al.* v. *Midcontinent Independent System Operator, Inc.*
Docket No. EL15–77, *Morgan Stanley Capital Group Inc.* v. *Midcontinent Independent System Operator, Inc.*
Docket No. ER14–67, *Southwest Power Pool, Inc.*
Docket No. ER14–2445, *Midcontinent Independent System Operator, Inc.*
Docket No. ER15–1499, *Southwest Power Pool, Inc.*
Docket No. ER15–1775, *Southwest Power Pool, Inc.*
Docket No. ER15–1777, *Southwest Power Pool, Inc.*
Docket No. ER15–1943, *Southwest Power Pool, Inc.*
Docket No. ER15–1976, *Southwest Power Pool, Inc.*
Docket No. ER15–2028, *Southwest Power Pool, Inc.*
Docket No. ER15–2069, *Northwestern Corporation.*
Docket No. ER15–2115, *Southwest Power Pool, Inc.*
Docket No. ER15–2265, *Southwest Power Pool, Inc.*
Docket No. ER15–2324, *Southwest Power Pool, Inc.*
Docket No. ER15–2347, *Southwest Power Pool, Inc.*
Docket No. ER15–2351, *Southwest Power Pool, Inc.*
Docket No. ER15–2356, *Southwest Power Pool, Inc.*
Docket No. EL16–20, *Grid Assurance LLC.*
Docket No. ER16–13, *Southwest Power Pool, Inc.*
Docket No. ER16–165, *Southwest Power Pool, Inc.*
Docket No. ER16–204, *Southwest Power Pool, Inc.*
Docket No. ER16–209, *Southwest Power Pool, Inc.*
Docket No. ER16–228, *Southwest Power Pool, Inc.*
Docket No. ER16–704, *Southwest Power Pool, Inc.*
Docket No. ER16–791, *Southwest Power Pool, Inc.*
Docket No. ER16–800, *Southwestern Public Service Company.*
Docket No. ER16–829, *Southwest Power Pool, Inc.*
Docket No. ER16–846, *Southwest Power Pool, Inc.*
Docket No. ER16–862, *Southwest Power Pool, Inc.*
Docket No. ER16–863, *Southwest Power Pool, Inc.*
Docket No. ER16–932, *Southwest Power Pool, Inc.*
Docket No. ER16–1022, *Southwest Power Pool, Inc.*
Docket No. ER16–1037, *Southwest Power Pool, Inc.*
Docket No. ER16–1040, *Southwest Power Pool, Inc.*
Docket No. ER16–1049, *Southwest Power Pool, Inc.*
Docket No. ER16–1050, *Southwest Power Pool, Inc.*
Docket No. ER16–1054, *Southwest Power Pool, Inc.*
Docket No. ER16–1061, *Southwest Power Pool, Inc.*
Docket No. ER16–1064, *Southwest Power Pool, Inc.*
Docket No. ER16–1065, *Southwest Power Pool, Inc.*
Docket No. ER16–1077, *Southwest Power Pool, Inc.*
Docket No. ER16–1086, *Southwest Power Pool, Inc.*
Docket No. ER16–1092, *Southwest Power Pool, Inc.*
Docket No. ER16–1096, *Southwest Power Pool, Inc.*

Docket No. ER16–1201, *Southwest Power Pool, Inc.*

Docket No. ER16–1211, *Midcontinent Independent System Operator, Inc.*

Docket No. ER16–1259, *Southwest Power Pool, Inc.*

Docket No. ER16–1260, *Southwest Power Pool, Inc.*

Docket No. ER16–1261, *Southwest Power Pool, Inc.*

Docket No. ER16–1262, *Midcontinent Independent System Operator, Inc.*

Docket No. ER16–1268, *Southwest Power Pool, Inc.*

Docket No. ER16–1282, *Southwest Power Pool, Inc.*

Docket No. ER16–1284, *Southwest Power Pool, Inc.*

Docket No. ER16–1285, *Southwest Power Pool, Inc.*

Docket No. ER16–1286, *Southwest Power Pool, Inc.*

Docket No. ER16–1288, *Southwest Power Pool, Inc.*

Docket No. ER16–1294, *Southwest Power Pool, Inc.*

Docket No. ER16–1305, *Southwest Power Pool, Inc.*

Docket No. ER16–1351, *Westar Energy, Inc.*

Docket No. ER16–1355, *Westar Energy, Inc.*

Docket No. ER16–1312, *Southwest Power Pool, Inc.*

Docket No. ER16–1314, *Southwest Power Pool, Inc.*

Docket No. ER16–1318, *Westar Energy, Inc.*

Docket No. ER16–1331, *Southwest Power Pool, Inc.*

Docket No. ER16–1341, *Southwest Power Pool, Inc.*

Docket No. ER16–1350, *Southwest Power Pool, Inc.*

These meetings are open to the public.

For more information, contact Patrick Clarey, Office of Energy Market Regulation, Federal Energy Regulatory Commission at (317) 249–5937 or *patrick.clarey@ferc.gov.*

Dated: April 8, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–08604 Filed 4–13–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. EL14–9–000, QF11–424–002 and EL14–18–000]

Gregory and Beverly Swecker v. Midland Power Cooperative; Gregory Swecker and Beverly Swecker v. Midland Power Cooperative and Central Iowa Power Cooperative; Notice of Filing

Take notice that on March 24, 2016 and April 8, 2016, Gregory and Beverly Swecker submitted Motions for Enforcement of the Public Utility Regulatory Policy Act of 1978, 16 U.S.C. 824, against Midland Power Cooperative and Central Iowa Power Cooperative.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on April 22, 2016.

Dated: April 8, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–08603 Filed 4–13–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER16–1327–000]

Copper Mountain Solar 4, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Copper Mountain Solar 4, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is April 26, 2016.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for

electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 6, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–08598 Filed 4–13–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

April 06, 2016.

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC10–67–002; EC13–81–001; ER00–980–016; ER15–1434–001.

Applicants: Emera Maine.

Description: Compliance Filing of Emera Maine for Recovery of Transaction-Related Costs for Bangor Hydro District.

Filed Date: 3/31/16.

Accession Number: 20160331–5423.

Comments Due: 5 p.m. ET 4/21/16.

Docket Numbers: EC10–67–003; EC13–81–002; ER95–836–006; ER15–1429–003.

Applicants: Emera Maine.

Description: Compliance Filing of Emera Maine for Recovery of Transaction-Related Costs for Maine Public District.

Filed Date: 3/31/16.

Accession Number: 20160331–5425.

Comments Due: 5 p.m. ET 4/21/16.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER16–1320–000.

Applicants: DTE Electric Company.

Description: Emergency Request for Waiver of DTE Electric Company.

Filed Date: 3/31/16.

Accession Number: 20160331–5414.

Comments Due: 5 p.m. ET 4/8/16.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–08595 Filed 4–13–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER16–1325–000]

Mesquite Solar 2, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Mesquite Solar 2, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is April 26, 2016.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 6, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–08596 Filed 4–13–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER16–1326–000]

Mesquite Solar 3, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Mesquite Solar 3, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is April 26, 2016.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov*. or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 6, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–08597 Filed 4–13–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG16–83–000.

Applicants: Boulder Solar Power, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Boulder Solar Power, LLC.

Filed Date: 4/7/16.

Accession Number: 20160407–5178.

Comments Due: 5 p.m. ET 4/28/16.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER16–757–001.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment: Errata to ER16–757–000 re: Merchant Network Upgrades to be effective 5/1/2016.

Filed Date: 4/6/16.

Accession Number: 20160406–5134.

Comments Due: 5 p.m. ET 4/27/16.

Docket Numbers: ER16–1360–000.

Applicants: Midcontinent Independent System Operator, Inc., Consumers Energy Company.

Description: § 205(d) Rate Filing: 2016–04–07_SA 2913 WPSC-Consumers FCA (J392) to be effective 4/8/2016.

Filed Date: 4/7/16.

Accession Number: 20160407–5115.

Comments Due: 5 p.m. ET 4/28/16.

Docket Numbers: ER16–1361–000.

Applicants: Commonwealth Edison Company, PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: ComEd submits Transmission Upgrade Agreement No. 4406 among ComEd and ATC to be effective 3/7/2016.

Filed Date: 4/7/16.

Accession Number: 20160407–5120.

Comments Due: 5 p.m. ET 4/28/16.

Docket Numbers: ER16–1362–000.

Applicants: Southern California Edison Company.

Description: § 205(d) Rate Filing: First Amended LGIA Rosamond West Solar Project to be effective 4/8/2016.

Filed Date: 4/7/16.

Accession Number: 20160407–5123.

Comments Due: 5 p.m. ET 4/28/16.

Docket Numbers: ER16–1363–000.

Applicants: Arizona Public Service Company.

Description: Compliance filing: Proposed Market-Based Rate tariff revisions of Arizona Public Service Company to be effective 9/30/2016.

Filed Date: 4/7/16.

Accession Number: 20160407–5131.

Comments Due: 5 p.m. ET 4/28/16.

Docket Numbers: ER16–1364–000.

Applicants: Copper Mountain Solar 2, LLC.

Description: § 205(d) Rate Filing: Copper Mountain Solar 2, LLC Joint Use Agreement for Gen-tie Polies to be effective 4/8/2016.

Filed Date: 4/7/16.

Accession Number: 20160407–5141.

Comments Due: 5 p.m. ET 4/28/16.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf*. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 7, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–08600 Filed 4–13–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG16–84–000.

Applicants: Electra Wind, LLC.

Description: Electra Wind, LLC Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 4/8/16.

Accession Number: 20160408–5029.

Comments Due: 5 p.m. ET 4/29/16.

Docket Numbers: EG16–85–000.

Applicants: Osborn Wind Energy, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Osborn Wind Energy, LLC.

Filed Date: 4/8/16.

Accession Number: 20160408–5117.

Comments Due: 5 p.m. ET 4/29/16.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER16–1148–000.

Applicants: Tenaska Energía de Mexico, S. de R. L. d.

Description: Supplement to March 11, 2016 Tenaska Energia de Mexico, S. de R. L. de C.V. tariff filing.

Filed Date: 4/7/16.

Accession Number: 20160407–5234.

Comments Due: 5 p.m. ET 4/21/16.

Docket Numbers: ER16–1325–000.

Applicants: Mesquite Solar 2, LLC.

Description: Supplement to April 1, 2016 Mesquite Solar 2, LLC tariff filing.

Filed Date: 4/5/16.

Accession Number: 20160405–5209.

Comments Due: 5 p.m. ET 4/22/16.

Docket Numbers: ER16–1326–000.

Applicants: Mesquite Solar 3, LLC.

Description: Supplement to April 1, 2016 Mesquite Solar 3, LLC tariff filing.
Filed Date: 4/5/16.
Accession Number: 20160405–5210.
Comments Due: 5 p.m. ET 4/22/16.
Docket Numbers: ER16–1327–000.
Applicants: Copper Mountain Solar 4, LLC.
Description: Supplement to April 1, 2016 Copper Mountain Solar 4, LLC tariff filing.
Filed Date: 4/5/16.
Accession Number: 20160405–5208.
Comments Due: 5 p.m. ET 4/22/16.
Docket Numbers: ER16–1365–000.
Applicants: Alabama Power Company.
Description: § 205(d) Rate Filing: Southern Power (Edward L. Addison Units 1–4) IA Amendment Filing to be effective 3/24/2016.
Filed Date: 4/8/16.
Accession Number: 20160408–5093.
Comments Due: 5 p.m. ET 4/29/16.
Docket Numbers: ER16–1366–000.
Applicants: Copper Mountain Solar 4, LLC.
Description: Baseline eTariff Filing: Copper Mountain Solar 4, LLC Certificate of Concurrence to Joint Use Agreement to be effective 4/8/2016.
Filed Date: 4/8/16.
Accession Number: 20160408–5094.
Comments Due: 5 p.m. ET 4/29/16.
Docket Numbers: ER16–1367–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Revised Service Agreement No. 4267; Queue Z1–091 (WMPA Assignment) to be effective 9/21/2015.
Filed Date: 4/8/16.
Accession Number: 20160408–5106.
Comments Due: 5 p.m. ET 4/29/16.

Take notice that the Commission received the following public utility holding company filings:

Docket Numbers: PH16–6–000.
Applicants: Starwood Energy Group Global, L.L.C.
Description: Starwood Energy Group Global, L.L.C. submits FERC 65–B Material Change in Facts of Waiver Notification.
Filed Date: 4/8/16.
Accession Number: 20160408–5067.
Comments Due: 5 p.m. ET 4/29/16.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 8, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–08601 Filed 4–13–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP16–822–000.
Applicants: East Cheyenne Gas Storage, LLC.
Description: Compliance filing ECGS 2016 Operational Purchase and Sales Report filing.
Filed Date: 4/5/16.
Accession Number: 20160405–5084.
Comments Due: 5 p.m. ET 4/18/16.
Docket Numbers: RP16–823–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) Rate Filing: 04/05/16 Negotiated Rates—Consolidated Edison Energy Inc. (HUB) 2275–89 to be effective 4/4/2016.
Filed Date: 4/5/16.
Accession Number: 20160405–5092.
Comments Due: 5 p.m. ET 4/18/16.
Docket Numbers: RP16–824–000.
Applicants: Questar Pipeline Company.
Description: § 4(d) Rate Filing: Statement of Negotiated Rates Version 12.0.0, North Shore E&P to be effective 3/1/2016.
Filed Date: 4/5/16.
Accession Number: 20160405–5188.
Comments Due: 5 p.m. ET 4/18/16.
Docket Numbers: RP16–825–000.
Applicants: Natural Gas Pipeline Company of America.
Description: § 4(d) Rate Filing: Nicor Negotiated Rate to be effective 5/5/2016.
Filed Date: 4/5/16.
Accession Number: 20160405–5190.
Comments Due: 5 p.m. ET 4/18/16.
Docket Numbers: RP16–826–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) Rate Filing: 04/06/16 Negotiated Rates—Consolidated Edison Energy Inc. (HUB) 2275–89 to be effective 4/5/2016.
Filed Date: 4/6/16.
Accession Number: 20160406–5162.
Comments Due: 5 p.m. ET 4/18/16.
Docket Numbers: RP16–827–000.
Applicants: Rockies Express Pipeline LLC.
Description: § 4(d) Rate Filing: Neg Rate 2016–04–06 CP to be effective 4/7/2016.
Filed Date: 4/6/16.
Accession Number: 20160406–5166.
Comments Due: 5 p.m. ET 4/18/16.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and § 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP16–497–001.
Applicants: Bluewater Gas Storage, LLC.
Description: Compliance filing Bluewater Gas Storage, LLC—Order No. 587–W Directed Changes to be effective 4/1/2016.
Filed Date: 4/5/16.
Accession Number: 20160405–5145.
Comments Due: 5 p.m. ET 4/18/16.
Docket Numbers: RP16–504–001.
Applicants: Pine Prairie Energy Center, LLC.
Description: Compliance filing Pine Prairie Energy Center, LLC—Order No. 587–W Directed Changes to be effective 4/1/2016.
Filed Date: 4/5/16.
Accession Number: 20160405–5146.
Comments Due: 5 p.m. ET 4/18/16.
Docket Numbers: RP16–524–002.
Applicants: SG Resources Mississippi, L.L.C.
Description: Compliance filing SG Resources Mississippi, L.L.C.—Order No. 587–W Directed Changes to be effective 4/1/2016.
Filed Date: 4/5/16.
Accession Number: 20160405–5137.
Comments Due: 5 p.m. ET 4/18/16.
Docket Numbers: RP16–451–001.
Applicants: Golden Pass Pipeline LLC.
Description: Report Filing: Supplemental to Revised Filing per Order 587–W Letter Order dated 03/29/2016.

Filed Date: 4/6/16.
Accession Number: 20160406–5170.
Comments Due: 5 p.m. ET 4/18/16.
Docket Numbers: RP16–604–001.
Applicants: Wyckoff Gas Storage Company, LLC.
Description: Compliance filing Order 587–W Compliance to be effective 4/1/2016.
Filed Date: 4/6/16.
Accession Number: 20160406–5143.
Comments Due: 5 p.m. ET 4/18/16.
Docket Numbers: RP16–459–001.
Applicants: Equitrans, L.P.
Description: Compliance filing Compliance Filing—Order Nos. 587–W and 809 to be effective 4/1/2016.
Filed Date: 4/7/16.
Accession Number: 20160407–5044.
Comments Due: 5 p.m. ET 4/19/16.
Docket Numbers: RP16–465–001.
Applicants: Rager Mountain Storage Company LLC.
Description: Compliance filing Compliance Filing—Order Nos. 587–W and 809 to be effective 4/1/2016.
Filed Date: 4/7/16.
Accession Number: 20160407–5046.
Comments Due: 5 p.m. ET 4/19/16.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 07, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–08608 Filed 4–13–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Part 284 Natural Gas Pipeline Rate filings:

Filings Instituting Proceedings

Docket Number: PR16–37–000.
Applicants: Moss Bluff Hub, LLC.
Description: Tariff filing per 284.123(e)/.224: Update Nomination Cycles to be effective 4/1/2016; Filing Type: 770.
Filed Date: 3/31/16.
Accession Number: 201603315060.
Comments/Protests Due: 5 p.m. ET 4/21/16.
Docket Number: PR16–38–000.
Applicants: Centana Intrastate Pipeline, LLC.
Description: Tariff filing per 284.123(e)/.224: CIPCO SOC Nominations Time Change Filing to be effective 4/1/2016; Filing Type: 770.
Filed Date: 4/1/16.
Accession Number: 201604015003, *http://elibrary.ferc.gov/idmws/doc_info.asp?accession_num=20160331-5060.*
Comments/Protests Due: 5 p.m. ET 4/22/16.
Docket Number: PR16–39–000.
Applicants: DCP Guadalupe Pipeline, LLC.
Description: Tariff filing per 284.123(e)/.224: Guadalupe SOC Nominations Time Change Filing to be effective 4/1/2016; Filing Type: 770.
Filed Date: 4/1/16.
Accession Number: 201604015004, *http://elibrary.ferc.gov/idmws/doc_info.asp?accession_num=20160331-5060.*
Comments/Protests Due: 5 p.m. ET 4/22/16.
Docket Number: PR16–40–000.
Applicants: Pelico Pipeline, LLC.
Description: Tariff filing per 284.123(e)/.224: Pelico SOC Nominations Time Change Filing to be effective 4/1/2016; Filing Type: 770.
Filed Date: 4/1/16.
Accession Number: 201604015005, *http://elibrary.ferc.gov/idmws/doc_info.asp?accession_num=20160331-5060.*
Comments/Protests Due: 5 p.m. ET 4/22/16.
Docket Number: PR16–41–000.
Applicants: DCP Raptor Pipeline, LLC.
Description: Tariff filing per 284.123(e)/.224: Raptor SOC Nominations Time Change Filing to be effective 4/1/2016; Filing Type: 770.
Filed Date: 4/1/16.
Accession Number: 201604015006.
Comments/Protests Due: 5 p.m. ET 4/22/16.
Docket Number: PR16–42–000.
Applicants: EasTrans, LLC.
Description: Tariff filing per 284.123(e)/.224: EasTrans SOC Nominations Time Change Filing to be effective 4/1/2016; Filing Type: 770.
Filed Date: 4/1/16.
Accession Number: 201604015010.
Comments/Protests Due: 5 p.m. ET 4/22/16.
Docket Number: PR16–44–000.
Applicants: Columbia Gas of Ohio, Inc.
Description: Tariff filing per 284.123(b)(1)/.: COH SOC effective 3–31–2016 to be effective 3/31/2016 under PR16–44 Filing Type: 980.
Filed Date: 4/1/16.
Accession Number: 201604015352.
Comments/Protests Due: 5 p.m. ET 4/22/16.
Docket Number: PR12–20–000.
Applicants: NorthWestern Corporation.
Description: Tariff filing per 284.123(b)(1) + (g): Rate Certification in compliance with Docket Nos. CP11–76–000 & PR12–20–000 to be effective N/A; Filing Type: 1260.
Filed Date: 3/31/2016.
Accession Number: 201603315356.
Comments Due: 5 p.m. ET 4/21/16.
284.123(g) Protests Due: 5 p.m. ET 5/31/16.
Docket Number: PR16–11–001.
Applicants: ONEOK WesTex Transmission, L.L.C.
Description: Tariff filing per 284.123(b), (e), (g): Revised Statement of Operating Conditions Pursuant to Informal Settlement to be effective 1/1/2016; Filing Type: 1270.
Filed Date: 4/6/2016.
Accession Number: 201604065094.
Comments Due: 5 p.m. ET 4/27/16.
284.123(g) Protests Due: 5 p.m. ET 4/27/16.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and § 385.214) on or before 5:00 p.m. Eastern time on the specified date(s). Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 8, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–08609 Filed 4–13–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Western Area Power Administration

[DOE/EIS–0474]

Southline Transmission Line Project Environmental Impact Statement

AGENCY: Western Area Power Administration, DOE.

ACTION: Record of decision.

SUMMARY: The Western Area Power Administration (Western) and the U.S. Bureau of Land Management (BLM), acting as joint lead agencies, issued the Proposed Southline Transmission Line Project (Project) Final Environmental Impact Statement (EIS) (DOE/EIS–0474) on November 6, 2015. The Agency Preferred Alternative developed by Western and the BLM through the National Environmental Policy Act (NEPA) process and described in the Final EIS is summarized in this Record of Decision (ROD). This alternative is also the Environmentally Preferred Alternative for most of the Project. One segment in the New Build Section and some local alternatives in the Upgrade Section were selected that reduce substantial existing resource conflicts while creating only minor new impacts. All practicable means to avoid or minimize environmental harm have been adopted.

Since the BLM and Western were joint lead agencies in the preparation of the EIS, each agency will issue its own ROD(s) addressing the overall Project and the specific matters within its jurisdiction and authority. This ROD constitutes Western's decision with respect to the alternatives considered in the Final EIS.

Western has selected the Agency Preferred Alternative identified in the Final EIS as the route for the Project. This decision on the route will enable design and engineering activities to proceed. This ROD also commits Western and Southline Transmission, LLC (Southline) to implement the proponent-committed environmental measures (PCEMs) identified in table 2–8, Project PCEMs by Resource, of the Final EIS. Selection of the Agency Preferred Alternative will also allow detailed Project costs to be developed, which are necessary for future participation and financing decisions. This ROD does not make decisions about Western's participation in the Project or financing. Those decisions are contingent on the successful development of participation agreements and financial underwriting, and would be recorded in a second ROD.

FOR FURTHER INFORMATION CONTACT: For information on Western's participation in the Project contact Stacey Harris, Public Utilities Specialist, Transmission Infrastructure Program (TIP) Office A0700, Headquarters Office, Western Area Power Administration, P.O. Box 281213, Lakewood, CO 80228–8213, telephone (720) 962–7714, facsimile (720) 962–7083, email *sharris@wapa.gov*. For information about the Project EIS process or to request a CD of the document, contact Mark J. Wieringa, NEPA Document Manager, Natural Resources Office A7400, Headquarters Office, Western Area Power Administration, P.O. Box 281213, Lakewood, CO 80228–8213, telephone (720) 962–7448, facsimile (720) 962–7263, email *wieringa@wapa.gov*. The Final EIS, this ROD, and other Project documents are also available on the Project Web site at *http://www.blm.gov/nm/southline*.

For general information on the Department of Energy (DOE) NEPA process, please contact Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance (GC–54), U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, telephone (202) 586–4600 or (800) 472–2756.

SUPPLEMENTARY INFORMATION: Southline, a subsidiary of Hunt Power, LP, is the Project proponent. Black Forest Partners, LP, is the manager for the Project. In March 2011, Southline submitted a Statement of Interest to Western for consideration of its Project. As part of their Project, Southline proposed the upgrade of approximately 120 miles of Western's existing Saguaro-Tucson and Tucson-Apache 115-kilovolt (kV) single-circuit transmission lines to a double-circuit 230-kV transmission line (Upgrade Section) using existing rights-of-way (ROWs). The New Build Section of the Project would include 240 miles of new 345-kV double-circuit transmission line on new ROWs between Afton Substation in New Mexico and Apache Substation in Arizona. In addition, Southline requested that Western consider providing financing for the Project using the borrowing authority provided to Western under the American Recovery and Reinvestment Act of 2009 amendment of the Hoover Power Plant Act of 1984. Southline's proposal prompted Western to initiate an EIS process to determine the environmental impacts of the Project and alternatives to inform Western's decisions regarding the Project.

Southline also filed a ROW application with the BLM pursuant to Title V of the Federal Land Policy and Management Act of 1976, as amended, proposing to construct, operate, maintain, and eventually decommission a high-voltage electric transmission line on land managed by the BLM. The BLM initiated its own NEPA process to address whether to grant a ROW permit. Because both agencies had NEPA decisions to consider, Western and the BLM agreed to be joint lead agencies in accordance with NEPA, 40 CFR 1501.5(b), for the purpose of preparing the EIS for the Project. The agencies issued the Final EIS for the Project on November 6, 2015. Each agency will issue its own ROD(s) addressing the overall Project and the specific matters within its jurisdiction and authority. This ROD constitutes Western's decision with respect to the alternatives considered in the Final EIS.

Project Description

The Project includes:

The New Build Section (Afton-Apache), which includes construction and operation of:

- Approximately 205 miles of 345-kV double-circuit electric transmission line in New Mexico and Arizona with a planned bidirectional capacity of up to 1,000 MW. This section is defined by endpoints at the existing Afton Substation, south of Las Cruces in Doña Ana County, New Mexico, and the existing Apache Substation, south of Willcox in Cochise County, Arizona;
- Approximately 5 miles of 345-kV single-circuit electric transmission line between the existing Afton Substation and the existing Luna-Diablo 345-kV transmission line. This segment of the Project is included in the analysis, but development of this segment would be determined at a later date;
- Approximately 30 miles of 345-kV double-circuit electric transmission line between New Mexico State Route 9 and Interstate 10 east of Deming in Luna County, New Mexico, to provide access for potential renewable energy generation sources in southern New Mexico. This segment of the Project is included in the analysis, but development of this segment would be determined at a later date;
- A new substation in Luna County, New Mexico (proposed Midpoint Substation), to provide an intermediate connection point for future interconnection requests; and
- Substation expansion for installation of new communications equipment at, and connection to, two existing substations in New Mexico and one in Arizona.

The Upgrade Section (Apache-Saguaro), which would replace and

upgrade a portion of Western's transmission system and includes:

- Replacing 120 miles of Western's existing Saguaro-Tucson and Tucson-Apache 115-kV single-circuit wood-pole H-frame electric transmission lines with a 230-kV double-circuit electric steel-pole transmission line. This section is defined by endpoints at the existing Apache Substation, south of Willcox in Cochise County, Arizona, to the existing Saguaro Substation, northwest of Tucson in Pima County, Arizona;
- Approximately 2 miles of new-build double-circuit 230-kV electric transmission line to interconnect with the existing Tucson Electric Power Company Vail Substation located southeast of Tucson and just north of the existing 115-kV Tucson-Apache line; and
- Connection to and upgrading, modification, and expansion of 12 existing substations in southern Arizona, including installation of new bays, transformers, breakers, switches, communications equipment, and related facilities associated with the voltage increase and compatibility with existing substations. Depending on design and engineering considerations, some substation expansions may require separate yards.

Alternatives

Based on a series of public meetings, routing workshops and meetings with local, State, and other Federal agencies prior to developing their Project, Southline published a Project routing study (April 2012). Many different route segments were identified and analyzed during this process. The route segments were designed to maximize the paralleling of existing linear infrastructure, maximize use of existing access roads, and identify and reject route segments with substantial environmental conflicts. This process resulted in a 'Proponent Preferred' or northern route, and a 'Proponent Alternative' or southern route, for the New Build Section. Although other options were considered, rebuilding the existing Western lines was the only option that preserved connectivity with the 12 existing substations in southern Arizona, an important feature of the Project.

Southline presented the Proponent Preferred and Proponent Alternative routes to the BLM with their application for a ROW grant and these alternatives were analyzed in the NEPA process. Because Western and BLM participated in Southline's routing study and public outreach, they each understood why various route segments were selected and rejected. Both agencies analyzed both of the Southline proponent alternatives and the No Action Alternative, and used the NEPA process to identify other potentially reasonable, viable alternatives. Due to Southline's thorough routing process, extensive stakeholder outreach, and early route screening with Western and the BLM, agency alternatives developed through the NEPA process resulted in only small route variations which could potentially reduce or avoid local resource conflicts.

The 360-mile-long Project was divided into four 'route groups', two in the New Build Section and two in the Upgrade Section, with Apache Substation in Arizona being the point separating the two sections and route groups 1 and 2 from route groups 3 and 4. Within the four route groups various sub-routes including segments of the Proponent Preferred and Proponent Alternative were identified. Some of the sub-routes also include local alternatives that were departures from the proponent alternatives due to potential resource conflicts or opportunities identified during the NEPA process. The agencies' alternatives analyses did not result in major new alternatives but did identify local alternatives and route variations that avoided or reduced localized resource conflicts. The division of the Project into smaller sections provided a framework for a more meaningful and localized comparison of resource impacts and provided the agencies with the ability to 'mix and match' route segments to create multiple full-length alternatives.

Agency Preferred Alternative

The Agency Preferred Alternative developed in the Final EIS varies somewhat from the one described in the Draft EIS due to consideration and incorporation of comments from the public, interested parties and the agencies. In the New Build Section, the Agency Preferred Alternative consists of a combination of the Proponent Preferred, Proponent Alternative, and local alternative segments. Draft EIS local alternative LD4 would have included the shared use of approximately 50 miles of ROW with the proposed SunZia Project to consolidate linear facility impacts into one utility corridor, an important BLM management objective. However, a Western Electricity Coordinating Council Regional Business Practice standard requires separation between large, main system transmission lines, which could largely negate the environmental benefits of constructing transmission lines in adjacent ROWs. Additionally, if one line were not constructed, the remaining line would traverse previously undeveloped land and create a new utility corridor of its own, precisely the situation the BLM is trying to prevent by consolidating development. Accordingly, the Agency Preferred Alternative in the Final EIS was shifted south to another route segment that parallels an existing natural gas pipeline ROW.

Both the Department of Defense and the Arizona Game and Fish Department (AZGFD) expressed concerns about alternatives in the area near Willcox Playa and north and east of Apache Substation. The route selected in the Draft EIS that runs parallel to an existing transmission line east of the playa presented conflicts with wintering sandhill cranes and waterfowl, and routes to Apache Substation on the west side of the playa conflicted with activities on the Buffalo Soldier Electronic Testing Range. Options east of developed agricultural areas near the playa that turned directly west to enter Apache Substation were prepared and analyzed, but were found to conflict with agricultural interests. Ultimately, mitigation of potential effects on sandhill cranes and waterfowl acceptable to the AZGFD was agreed upon and the route on the east side of the Willcox Playa that was originally included as part of the Agency Preferred Alternative was retained.

The Agency Preferred Alternative for the Upgrade Section consists of a combination of the Proponent Preferred, a route variation south of the Tucson International Airport, and local alternatives at Tumamoc Hill and near the Marana Airport. The Agency Preferred Alternative maximizes the use of existing Western ROWs for the Saguaro-Tucson and Tucson-Apache transmission lines while also addressing existing impacts and opportunities where appropriate. The route skirts the edge of the culturally and visually sensitive Tumamoc Hill property and allows the removal of the section of existing line that crosses through the middle of the property, relocates a portion of the existing line to facilitate Pima County future development plans south of Tucson International Airport, relocates a segment of existing line out of the Summit community where development is encroaching on the ROW, and relocates a segment of existing line near the Marana Airport to reduce conflicts with military training operations.

Environmentally Preferred Alternative

Except for one segment the Environmentally Preferred Alternative for the New Build Section is the same

as the Agency Preferred Alternative. This is due to the emphasis placed on routing the Project to parallel existing linear infrastructure and consolidating development to the maximum extent possible. Consolidation also maximizes the opportunity to use existing access roads for the Project. This approach minimizes new disturbance and, in turn, environmental impacts.

The Environmentally Preferred Alternative for the Upgrade Section involves an upgrade of the existing single-circuit 115-kV wood pole lines and use of the existing Western ROWs for the entire length of the section from Apache Substation to Saguaro Substation. The existing lines have been operated and maintained for over 60 years and have well-established access roads. New construction disturbance would be minimal and little or no new impacts to environmental resources would occur except that new monopole steel structures would be taller and have an incrementally larger visual impact. Any existing impacts on the human environment are already included in the baseline condition.

Responsible transmission planning also looks for opportunities to reduce existing impacts or address changing attitudes about the values and weights of impacts. Each of the three local alternatives included in the Agency Preferred Alternative would have associated new environmental impacts, but in each case it was determined that the reduction in present or future conflicts more than offset the new impacts.

Minimization of environmental impacts was an integral part of Project routing and planning, and all practicable means have been adopted to avoid or minimize environmental harm. Table 2–8 in section 2.4.6, Typical Design Features and Agency Mitigation Measures, of the Final EIS is a compilation of PCEMs that would be implemented to minimize impacts. If the Project moves into the construction phase, this table will be incorporated into the construction contract to ensure the PCEMs are an integral part of the construction process. The PCEMs include design features that minimize impacts, agency identified best management practices, known regulatory and permit requirements, and other project-specific measures developed during the EIS process. As described in section 2.4.1 of the Final EIS, Site Preparation and Preconstruction Activities, Southline and the BLM have developed an extensive Plan of Development (Appendix N to the Final EIS). Numerous framework plans (appendices to the Plan of Development) are being developed that include specific best management practices and resource protection measures that condition the ROW grant. The Plan of Development only applies to activities on BLM-managed public lands. Western may implement applicable provisions of the Plan of Development and its attached framework plans on State and private lands as appropriate.

Changes to Final EIS

The Town of Marana, Arizona, in consultation with the AZGFD, requested that a clarification be made to PCEM in table 2–8 concerning a bat colony under the Ina Road bridge. The agencies are incorporating the requested clarification in the BLM Plan of Development and table 2–8. The revised language will read as follows: "To avoid impacting roosting bats at the Ina Road bridge, blasting activities will be restricted to less than 130 decibels (dB) at the project site if possible, and if that is not possible, then blasting activities will occur at night after most bats have left their roost. No blasting will occur in April or May when the maternity colony is present."

The Benson/San Pedro Valley Chamber of Commerce and J–6/Mescal Community Development Organization also raised questions after the Final EIS was published. Both parties indicated a preference for Local Alternative H, a route developed for analysis based on public comment. Local Alternative H departs from the existing alignment and bypasses Benson and the Mescal residential development on the north before rejoining the existing alignment east of Benson and the Mescal residential development. The parties raised concerns about visual impacts, EMF, and future development in the area, which were all analyzed in the EIS. Local Alternative H was not selected as part of the Agency Preferred Alternative. The existing transmission line has been in place since the early 1950s, and development has been planned around the existing ROW. Moving to Local Alternative H would only shift impacts from one set of landowners to a new set of landowners. Additionally, staying on the existing ROW would use the existing crossing of the San Pedro River, a sensitive environmental resource. The issues expressed by the parties do not present any significant new circumstances or information relevant to environmental concerns.

Section 7 and Section 106 Consultation

The BLM, as the main affected Federal land management agency, retained the lead role for Section 7 and Section 106 consultation. Consultation with the U.S. Fish and Wildlife Service resulted in the issuance of a final Biological Opinion on November 10, 2015. The requirements of the Biological Opinion will apply to the entire Project, whether on BLM managed land or not. The Biological Opinion is provided as Appendix M of the Final EIS and can also be found on the Project Web site. Western also participated as an invited signatory in the Section 106 process, which led to a Programmatic Agreement that will govern Section 106 actions as they apply to the Project. The Programmatic Agreement, Appendix L of the Final EIS, is also posted on the Project Web site.

Western's Decision

Informed by the analyses and environmental impacts documented in the Final EIS, Western has selected [1] the Agency Preferred Alternative identified in the Final EIS as the route for the Project. The Agency Preferred Alternative route will be the basis for design and engineering activities that will finalize the centerline, ROW, and access road locations, particularly in the New Build Section. Additionally, this ROD commits Western and Southline to implement the PCEMs identified in the Final EIS in table 2–8 to minimize environmental impacts. Selection of the Agency Preferred Alternative will also allow detailed Project costs to be developed, which are necessary for future participation and financing decisions. These decisions are contingent on the successful development of participation agreements and financial underwriting, and would be recorded in a second ROD. Participation and financing agreements will address Project details such as interconnections, ownership, operations, maintenance, marketing, financing, and land acquisition.

This ROD was prepared in accordance with the requirements of the Council on Environmental Quality regulations for implementing NEPA (40 CFR parts 1500 through 1508) and U.S. Department of Energy NEPA regulations (10 CFR part 1021).

Dated: April 5, 2016.

Mark A. Gabriel,

Administrator.

[FR Doc. 2016–08620 Filed 4–13–16; 8:45 am]

BILLING CODE 6450–01–P

[1] On November 16, 2011, DOE's Acting General Counsel restated the delegation to Western's Administrator all the authorities of the General Counsel respecting environmental impact statements.

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OGC–2016–0195; 9944–98–OGC]

Proposed Consent Decree, Clean Air Act Citizen Suit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed consent decree; request for public comment.

SUMMARY: In accordance with section 113(g) of the Clean Air Act, as amended ("CAA" or the "Act"), notice is hereby given of a proposed consent decree to address a lawsuit filed by the State of Nevada and the Nevada Department of Conservation and Natural Resources, Division of Environmental Protection (collectively "Plaintiffs") in the United States District Court for Nevada: *State of Nevada, et al.,* v. *McCarthy,* No. 3:15–cv–00396–HDM–WGC (D. Nev.). On July 31, 2015, Plaintiffs filed this complaint alleging that Gina McCarthy, in her official capacity as Administrator of the United States Environmental Protection Agency ("EPA"), failed to perform a non-discretionary duty to take final action on the portion of Nevada's state implementation plan ("SIP") submission intended to address interstate transport requirements for the 2008 ozone national ambient air quality standards ("NAAQS"). The proposed consent decree would establish a deadline for EPA to take certain specified actions.

DATES: Written comments on the proposed consent decree must be received by May 16, 2016.

ADDRESSES: Submit your comments, identified by Docket ID number EPA–HQ–OGC–2016–0195, online at *www.regulations.gov* (EPA's preferred method); by email to *oei.docket@epa.gov;* by mail to EPA Docket Center, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; or by hand delivery or courier to EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC, between 8:30 a.m. and 4:30 p.m. Monday through Friday, excluding legal holidays. Comments on a disk or CD–ROM should be formatted in Word or ASCII file, avoiding the use of special characters and any form of encryption, and may be mailed to the mailing address above.

FOR FURTHER INFORMATION CONTACT: Zachary Pilchen, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone: (202) 564–2812; fax number (202) 564–5603; email address: *pilchen.zach@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Additional Information About the Proposed Consent Decree

This proposed consent decree would resolve a lawsuit filed by Plaintiffs seeking to compel the Administrator to take action under CAA section 110(k)(2)–(3). Plaintiffs allege that the Administrator has failed to perform a non-discretionary duty to take final action on the portion of Nevada's SIP submission intended to address the requirements of 42 U.S.C. 7410(a)(2)(D)(i)(I) for the 2008 ozone NAAQS. Under the terms of the proposed consent decree, EPA would agree to take certain specified actions by February 13, 2017 to resolve those claims. See the proposed consent decree for more details. The proposed consent decree also provides for the possibility that circumstances beyond EPA's reasonable control could delay compliance with the February 13, 2017 deadline, and provides a framework for extending that deadline. In addition, the proposed consent decree enumerates Plaintiffs' costs of litigation, including attorney fees, and provides that payment of those costs will constitute a full and complete settlement of all of Plaintiffs' costs in connection with this litigation.

For a period of thirty (30) days following the date of publication of this notice, the Agency will accept written comments relating to the proposed consent decree from persons who are not named as parties or intervenors to the litigation in question. EPA or the Department of Justice may withdraw or withhold consent to the proposed consent decree if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Unless EPA or the Department of Justice determines that consent to this consent decree should be withdrawn, the terms of the consent decree will be affirmed.

II. Additional Information About Commenting on the Proposed Consent Decree

A. How can I get a copy of the proposed consent decree?

The official public docket for this action (identified by Docket ID No. EPA–HQ–OGC–2016–0195) contains a copy of the proposed consent decree. The official public docket is available for public viewing at the Office of Environmental Information (OEI) Docket in the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OEI Docket is (202) 566–1752.

An electronic version of the public docket is available through *www.regulations.gov.* You may use the *www.regulations.gov* to submit or view public comments, access the index listing of the contents of the official public docket, and access those documents in the public docket that are available electronically. Once in the system, key in the appropriate docket identification number then select "search."

It is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing online at *www.regulations.gov* without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. Information claimed as CBI and other information whose disclosure is restricted by statute is not included in the official public docket or in the electronic public docket. EPA's policy is that copyrighted material, including copyrighted material contained in a public comment, will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the EPA Docket Center.

B. How and to whom do I submit comments?

You may submit comments as provided in the **ADDRESSES** section. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an email address or other contact information in the body of your comment and with any disk or CD ROM you submit. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. Any

identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Use of the *www.regulations.gov* Web site to submit comments to EPA electronically is EPA's preferred method for receiving comments. The electronic public docket system is an "anonymous access" system, which means EPA will not know your identity, email address, or other contact information unless you provide it in the body of your comment. In contrast to EPA's electronic public docket, EPA's electronic mail (email) system is not an "anonymous access" system. If you send an email comment directly to the Docket without going through *www.regulations.gov*, your email address is automatically captured and included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

Dated: April 6, 2016.

Lorie J. Schmidt,

Associate General Counsel.

[FR Doc. 2016–08626 Filed 4–13–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9944–99–Region 9]

Yosemite Slough Site, San Francisco, California; Notice of Proposed CERCLA Ability To Pay Settlement

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for comment.

SUMMARY: In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. 9622(i), notice is hereby given of a proposed administrative settlement with one ability to pay party for recovery of response costs concerning the Yosemite Slough Site in San Francisco, California. The settlement is entered into pursuant to Section 122(h)(1) of CERCLA, 42 U.S.C. 9622(h)(1), and it requires the settling party to pay $193,000 to the United States Environmental Protection Agency (Agency). The settlement includes a covenant not to sue the settling party pursuant to Sections 106 or 107(a) of CERCLA, 42 U.S.C. 9606 or 9607(a). For thirty (30) days following the date of publication of this Notice in the **Federal Register**, the Agency will receive written comments relating to the settlement. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate the proposed settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at 75 Hawthorne Street, San Francisco, CA 94105.

DATES: Pursuant to section 122(i) of CERCLA, EPA will receive written comments relating to this proposed settlement on or before May 16, 2016.

ADDRESSES: The proposed settlement is available for public inspection at EPA Region IX, 75 Hawthorne Street, San Francisco, California. A copy of the proposed settlement may be obtained from Rachel Tennis, Assistant Regional Counsel (ORC–3), U.S. EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105; phone: (415) 972–3746. Comments should reference the Yosemite Slough Site, San Francisco, California and should be addressed to Rachel Tennis at the above address.

FOR FURTHER INFORMATION CONTACT: Rachel Tennis, Assistant Regional Counsel (ORC–3), U.S. EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105; phone: (415) 972–3746; fax: (417) 947–3570; email: *tennis.rachel@epa.gov*.

SUPPLEMENTARY INFORMATION: *Party to the Proposed Settlement:* Development Specialists, Inc., solely in its capacity as assignee for the benefit of creditors of Romic Environmental Technologies.

Dated: March 17, 2016.

Enrique Manzanilla,

Director, Superfund Division, U.S. EPA, Region IX.

[FR Doc. 2016–08627 Filed 4–13–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2006–0525; FRL–9944–97–OAR]

Proposed Information Collection Request; Comment Request; Registration of Fuels and Fuel Additives—Health-Effects Research Requirements for Manufacturers; EPA ICR No. 1696.09, OMB Control No. 2060–0297

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency is planning to submit an Information Collection Request (ICR), Registration of Fuels and Fuel Additives—Health-Effects Research Requirements for Manufacturers, EPA ICR No. 1696.09, OMB Control No. 2060–0297, to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*). Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through September 30, 2016. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before June 13, 2016.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OAR–2006–0525, online using *www.regulations.gov* (our preferred method), by email to *a-and-r-docket@epa.gov*, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: James W. Caldwell, Compliance Division, Office of Transportation and Air Quality, Mailcode: 6406J, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 343–9303; fax number: (202) 343–2800; email address: *caldwell.jim@epa.gov*.

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets*.

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (2) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: In accordance with the regulations at 40 CFR part 79, subparts A, B, C, and D, Registration of Fuels and Fuel Additives, manufacturers (including importers) of motor-vehicle gasoline, motor-vehicle diesel fuel, and additives for those fuels, are required to have these products registered by the EPA prior to their introduction into commerce. Registration involves providing a chemical description of the fuel or additive, and certain technical, marketing, and health-effects information. The development of health-effects data, as required by 40 CFR part 79, subpart F, is the subject of this ICR. The information collection requirements for subparts A through D, and the supplemental notification requirements of subpart F (indicating how the manufacturer will satisfy the health-effects data requirements) are covered by a separate ICR (EPA ICR Number 309.14, OMB Control Number 2060–1050). The health-effects data will be used to determine if there are any products which have evaporative or combustion emissions that may pose an unreasonable risk to public health, thus meriting further investigation and potential regulation. This information is required for specific groups of fuels and additives as defined in the regulations. For example, gasoline and gasoline additives which consist of only carbon, hydrogen, oxygen, nitrogen, and/or sulfur, and which involve a gasoline oxygen content of less than 1.5 weight percent, fall into a "baseline" group. Oxygenated additives, such as ethanol, when used in gasoline at an oxygen level of at least 1.5 weight percent, define separate "nonbaseline" groups for each oxygenate. Additives which contain elements other than carbon, hydrogen, oxygen, nitrogen, and sulfur fall into separate "atypical" groups. There are similar grouping requirements for diesel fuel and diesel fuel additives.

Manufacturers may perform the research independently or may join with other manufacturers to share in the costs for each applicable group. Several research consortiums (groups of manufacturers) have been formed. The largest consortium, organized by the American Petroleum Institute (API), represents most of the manufacturers of baseline gasoline, baseline diesel fuel, baseline fuel additives, and the prominent nonbaseline oxygenated additives for gasoline. The research is structured into three tiers of requirements for each group. Tier 1 requires an emissions characterization and a literature search for information on the health effects of those emissions. Voluminous Tier 1 data for gasoline and diesel fuel were submitted by API and others in 1997. Tier 1 data have been submitted for biodiesel, water/diesel emulsions, several atypical additives, and renewable gasoline and diesel fuels. Tier 2 requires short-term inhalation exposures of laboratory animals to emissions to screen for adverse health effects. Tier 2 data have been submitted for baseline diesel, biodiesel, and water/diesel emulsions. Alternative Tier 2 testing can be required in lieu of standard Tier 2 testing if EPA concludes that such testing would be more appropriate. EPA reached that conclusion with respect to gasoline and gasoline-oxygenate blends, and alternative requirements were established for the API consortium for baseline gasoline and six gasoline-oxygenate blends. Alternative Tier 2 requirements have also been established for the manganese additive MMT manufactured by the Afton Chemical Corporation (formerly the Ethyl Corporation). Tier 3 provides for follow-up research, at EPA's discretion, when remaining uncertainties as to the significance of observed health effects, welfare effects, and/or emissions exposures from a fuel or fuel/additive mixture interfere with EPA's ability to make reasonable estimates of the potential risks posed by emissions from a fuel or additive. To date, EPA has not imposed any Tier 3 requirements. Under regulations promulgated pursuant to Section 211 of the Clean Air Act, (1) submission of the health-effects information is necessary for a manufacturer to obtain registration of a motor-vehicle gasoline, diesel fuel, or fuel additive, and thus be allowed to introduce that product into commerce, and (2) the information shall not be considered confidential.

Form Numbers: None.

Respondents/affected entities: Manufacturers of motor-vehicle gasoline, motor-vehicle diesel fuel, and additives for those fuels.

Respondent's obligation to respond: Mandatory per 40 CFR part 79.

Estimated number of respondents: 2.

Frequency of response: On occasion.

Total estimated burden: 17,600 hours per year. Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $2 million per year, includes $0.6 million annualized capital or operation & maintenance costs.

Changes in Estimates: There is a decrease of 1,600 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease is due to a revision in the estimate for conducting the Tier 1 literature search.

Dated: April 7, 2016.

Byron J. Bunker,

Director, Compliance Division, Office of Transportation and Air Quality, Office of Air and Radiation.

[FR Doc. 2016–08628 Filed 4–13–16; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Federal Advisory Committee Act; Technological Advisory Council

AGENCY: Federal Communications Commission.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice advises interested persons that the Federal Communications Commission's (FCC) Technological Advisory Council will hold a meeting.

DATES: Thursday, June 9th, 2016 in the Commission Meeting Room, from 12:30 p.m. to 4 p.m.

ADDRESSES: Federal Communications Commission, 445 12th Street SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Walter Johnston, Chief, Electromagnetic Compatibility Division, 202–418–0807; *Walter.Johnston@FCC.gov.*

SUPPLEMENTARY INFORMATION: At the June 9th meeting, the FCC Technological Advisory Council will discuss progress on and issues involving its work program agreed to at its initial meeting on March 9th, 2016. The FCC will attempt to accommodate as many people as possible. However, admittance will be limited to seating availability. Meetings are also broadcast live with open captioning over the Internet from the FCC Live Web page at *http://www.fcc.gov/live/*. The public may submit written comments before the meeting to: Walter Johnston, the FCC's Designated Federal Officer for Technological Advisory Council by email: *Walter.Johnston@fcc.gov* or U.S. Postal Service Mail (Walter Johnston, Federal Communications Commission, Room 2–A665, 445 12th Street SW., Washington, DC 20554). Open captioning will be provided for this event. Other reasonable accommodations for people with disabilities are available upon request. Requests for such accommodations should be submitted via email to *fcc504@fcc.gov* or by calling the Office of Engineering and Technology at 202–418–2470 (voice), (202) 418–1944 (fax). Such requests should include a detailed description of the accommodation needed. In addition, please include your contact information. Please allow at least five days advance notice; last minute requests will be accepted, but may not be possible to fill.

Federal Communications Commission.

Ronald T. Repasi,

Deputy Chief, Office of Engineering and Technology.

[FR Doc. 2016–08529 Filed 4–13–16; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 7:08 p.m. on Monday, April 11, 2016, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters related to the Corporation's supervision, corporate, and resolution activities.

In calling the meeting, the Board determined, on motion of Vice Chairman Thomas M. Hoenig, seconded by Director Thomas J. Curry (Comptroller of the Currency), concurred in by Director Richard Cordray (Director, Consumer Financial Protection Bureau), and Chairman Martin J. Gruenberg, that Corporation business required its consideration of the matters which were to be the subject of this meeting on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(4), (c)(8), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(8), and (c)(9)(B)).

Dated: April 12, 2016.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2016–08718 Filed 4–12–16; 4:15 pm]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 9, 2016.

A. Federal Reserve Bank of Dallas (Robert L. Triplett III, Senior Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *A.N.B. Holding Company, Ltd.*, Terrell, Texas; to acquire additional voting shares up to 38 percent of The ANB Corporation, and thereby indirectly acquire voting shares of The American National Bank of Texas, both in Terrell, Texas; Lakeside Bancshares, Inc., and Lakeside National Bank, both in Rockwall, Texas.

Board of Governors of the Federal Reserve System, April 11, 2016.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2016–08610 Filed 4–13–16; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

Telemarketing Sales Rule Information Collection Activities; Proposed Collection; Comment Request

AGENCY: Federal Trade Commission ("Commission" or "FTC").

ACTION: Notice.

SUMMARY: The information collection requirements described below will be submitted to the Office of Management and Budget ("OMB") for review, as required by the Paperwork Reduction Act ("PRA"). The FTC is seeking public comments on its proposal to extend for an additional three years the current PRA clearance for information collection requirements in its Telemarketing Sales Rule ("TSR"). That clearance expires on August 31, 2016.

DATES: Comments must be submitted on or before June 13, 2016.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write "TSR PRA Comment, FTC File No. P094400" on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/tsrrulepra* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex J), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or

copies of the proposed information requirements for the TSR should be addressed by mail to Craig Tregillus, Staff Attorney, Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, Room CC–8607, 600 Pennsylvania Ave. NW., Washington, DC 20580, or by telephone to (202) 326–2970.

SUPPLEMENTARY INFORMATION: Under the PRA, 44 U.S.C. 3501–3521, federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. "Collection of information" means agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. 44 U.S.C. 3502(3); 5 CFR 1320.3(c). As required by section 3506(c)(2)(A) of the PRA, the FTC is providing this opportunity for public comment before requesting that OMB extend the existing paperwork clearance for the TSR, 16 CFR part 310 (OMB Control Number 3084–0097).

The TSR, 16 CFR 310, implements the Telemarketing and Consumer Fraud and Abuse Prevention Act, 15 U.S.C. 6101–6108 ("Telemarketing Act"), as amended by the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act ("USA PATRIOT Act"), Public Law 107056 (Oct. 25, 2001). The Telemarketing Act seeks to prevent deceptive or abusive telemarketing practices in telemarketing, which, pursuant to the USA PATRIOT Act, includes calls made to solicit charitable contributions by third-party telemarketers. The Telemarketing Act mandated certain disclosures by telemarketers, and directed the Commission to include recordkeeping requirements in promulgating a rule to prohibit such practices. As required by the Telemarketing Act, the TSR mandates certain disclosures for telephone sales and requires telemarketers to retain certain records regarding advertising, sales, and employees. The required disclosures provide consumers with information necessary to make informed purchasing decisions. The required records are to be made available for inspection by the Commission and other law enforcement personnel to determine compliance with the Rule. Required records may also yield information helpful to measuring and redressing consumer injury stemming from Rule violations.

In 2003, the Commission amended the TSR to include certain new disclosure requirements and to expand the Rule in other ways. *See* 68 FR 4580 (Jan. 29, 2003). Specifically, the Rule was amended to cover upsells [1] (not only in outbound calls, but also in inbound calls) and additional transactions were included under the Rule's purview. For example, the Rule was extended to cover the solicitation by telephone of charitable donations by third-party telemarketers in response to the mandate of the USA PATRIOT Act. Finally, the amendments established the National Do Not Call Registry ("Registry"), permitting consumers to register, via either a toll-free telephone number or the Internet, their preference not to receive certain telemarketing calls.[2] Accordingly, under the TSR, most sellers and telemarketers are required to refrain from calling consumers who have placed their numbers on the Registry.[3] Moreover, sellers and telemarketers must periodically access the Registry to remove from their telemarketing lists the telephone numbers of those consumers who have registered.[4]

In 2008, the Commission promulgated amendments to the TSR regarding prerecorded calls, 16 CFR 310.4(b)(1)(v), and call abandonment rate calculations, 16 CFR 310.4(b)(4)(i).[5] The amendment regarding prerecorded calls added certain information collection requirements.[6] Specifically, the amendment expressly authorized sellers and telemarketers to place outbound prerecorded telemarketing calls to consumers only if: (1) The seller has obtained written agreements from those consumers to receive prerecorded telemarketing calls after a clear and conspicuous disclosure of the purpose of the agreement; and (2) the call discloses and provides an automated telephone keypress or voice-activated opt-out mechanism at the outset of the call.[7]

In 2010, the Commission published additional amendments taking effect that year to require specific new disclosures in the sale of a "debt relief service," as that term is defined in section 310.2(m) to include for-profit credit counseling services, debt settlement, and debt negotiation services. The amendments result in PRA burden for all covered entities—both new and existing respondents—that engage in telemarketing of these services. The amendments, among other things: (1) Applied the TSR to *inbound* telemarketing of debt relief services; [8] and (2) added new required disclosures and prohibited representations to curb deceptive practices prevalent in the telemarketing of debt relief services.[9]

Burden Statement:

Estimated Annual Hours Burden: 1,238,670 hours.

The estimated burden for recordkeeping is 14,541 hours for all industry members affected by the Rule. The estimated burden for the disclosures that the Rule requires for both the live telemarketing call provisions of the TSR and those regarding prerecorded calls is 1,223,777 hours for all affected industry members and estimated reporting burden is 352 hours. Thus, the total PRA burden is

[1] An "upsell" is the solicitation in a single telephone call of the purchase of goods or services after an initial transaction occurs. The solicitation may be made by or on behalf of a seller different from the seller in the initial transaction, regardless of whether the initial transaction and the subsequent solicitation are made by the same telemarketer ("external upsell"). Or, it may be made by or on behalf of the same seller as in the initial transaction, regardless of whether the initial transaction and subsequent solicitation are made by the same telemarketer ("internal upsell").

[2] 68 FR 4580 (Jan. 29, 2003). The Registry applies to any plan, program, or campaign to sell goods or services through interstate phone calls. This includes telemarketers who solicit consumers, often on behalf of third-party sellers. It also includes sellers who provide, offer to provide, or arrange to provide goods or services to consumers in exchange for payment. It does not limit calls by political organizations, charities, or telephone survey companies.

[3] 16 CFR 310.4(b)(1)(iii)(B).

[4] 16 CFR 310.4(b)(3)(iv). Effective January 1, 2005, the Commission amended the TSR to require telemarketers to access the Registry at least once every 31 days. *See* 69 FR 16368 (Mar. 29, 2004).

[5] *See* 73 FR 51164 (Aug. 29, 2008).

[6] By contrast, the revised standard for measuring the call abandonment rate did not impose any new or affect any existing reporting, recordkeeping or third-party disclosure requirements within the meaning of the PRA. That amendment relaxed the prior requirement that the abandonment rate be calculated on a "per day per campaign" basis by permitting, but not requiring, its calculation over a 30-day period, as industry requested.

[7] The prerecorded call amendment provided the first ever explicit authorization in the TSR for sellers and telemarketers to place prerecorded telemarketing calls to consumers. The pre-amendment call abandonment prohibition of the TSR implicitly barred such calls by requiring that all telemarketing calls be connected to a sales representative, rather than a recording, within two seconds of the completed greeting of the person who answers. The requirements apply not only to prerecorded calls that are answered by a consumer, but also to prerecorded messages left on consumers' answering machines or voicemail services.

[8] While the TSR already covered outbound calls by debt relief service providers, the amendments also brought inbound debt-relief calls within the TSR's reach.

[9] Most recently, the Commission published further amendments in 2015 that prohibit the use of certain payment methods in both outbound and inbound telemarketing, expand the advance fee ban on recovery services, and clarify several provisions to reflect Commission enforcement policy. 80 FR 77554 (Dec. 14, 2015). The prohibitions on the use of remotely created payment checks, remotely created payment orders, cash-to-cash money transfers and cash reload mechanisms do not take effect until June 13, 2016. The other amendments took effect upon publication. None of the prohibitions and clarifications in these amendments result in PRA burden for covered entities. 80 FR at 77558.

1,238,670 hours. These estimates are explained below.

Number of Respondents: As a preliminary matter, only telemarketers and sellers, not telefunders (third-party telemarketers soliciting contributions on behalf of charities), are subject to the Registry provisions of the Rule, and only sellers, not telemarketers or telefunders, are subject to the new express agreement obligations attributable to the prerecorded call disclosure requirements.[10] The Registry data does not separately account for telefunders; they are a subset of the overall number of telemarketing entities known to access the Registry for any given year.[11]

In calendar year 2015, 22,401 telemarketing entities accessed the Registry. Of these entities, 498 were "exempt" entities obtaining access to data.[12] By definition, none of the exempt entities are subject to the TSR. In addition, 16,248 sellers and 5,259 telemarketers accessed the Registry. Of those, however, 11,250 sellers and 3,612 telemarketers with independent access to the Registry obtained data for just one state. Staff assumes that these entities are operating solely intrastate, and thus would not be subject to the TSR.[13] Applying this Registry data, staff estimates that 7,041 telemarketing entities (22,401 − 498 − 11,250 − 3,612) are currently subject to the TSR, of which 4,998 (16,248 − 11,250) are sellers and 1,647 (5,259 − 3,612) are telemarketers.[14]

(a) Recordkeeping Hours

Staff estimates that the above-noted 7,041 telemarketing entities subject to the Rule each require approximately one hour per year to file and store records required by the TSR for an annual total of 7,041 burden hours. The Commission staff also estimates that 75 new entrants per year would need to spend 100 hours each developing a recordkeeping system that complies with the TSR for an annual total of 7,500 burden hours.[15] These figures, based on prior estimates, are consistent with staff's current knowledge of the industry. Thus, the total estimated annual recordkeeping burden for new and existing telemarketing entities, including those offering debt relief services and making prerecorded calls,[16] is 14,541 hours.

(b) Disclosure Hours

Staff believes that in the ordinary course of business a substantial majority of sellers and telemarketers make the disclosures the Rule requires because to do so constitutes good business practice. To the extent this is so, the time and financial resources needed to comply with disclosure requirements do not constitute "burden." 16 CFR 1320.3(b)(2). Moreover, many state laws require the same or similar disclosures as the Rule mandates. Thus, the disclosure hours burden attributable solely to the Rule is far less than the total number of hours associated with the disclosures overall. As when the FTC last sought 3-year OMB clearance for this Rule, staff estimates that most of the disclosures the Rule requires would be made in at least 75 percent of telemarketing calls even absent the Rule.[17] Accordingly, staff has continued to estimate that the hours burden for most of the Rule's disclosure requirements is 25 percent of the total hours associated with disclosures of the type the TSR requires.

Based on previous assumptions, staff estimates that of the 7,041 telemarketing entities noted above, 3,235 conduct inbound telemarketing.[18] Inbound calls from consumers in response to direct mail solicitations that make certain required disclosures are exempt from the TSR.[19] Although such calls are exempt from the Rule, the Commission believes it is likely that industry members choosing to make the requisite disclosures in direct mail solicitation might do so only in an effort to qualify for the exemption. Thus, Commission staff believes it is appropriate to include in the relevant burden hour calculation both the burden for compliance with the Rule's oral disclosures and the burden incurred by entities that make written disclosures in order to qualify for the inbound direct mail exemption. Accordingly, consistent with its previous analyses, staff estimates that, of the 3,235 entities that conduct inbound telemarketing, approximately one-third (1,078) will choose to incorporate written disclosures in their direct mail solicitations that exempt them from complying with the Rule.[20]

Consistent with its past practice, staff necessarily has made additional assumptions in estimating burden. From the total volume of outbound and inbound calls, staff first calculated disclosure burden for initial transactions that resulted in sales, derived from external data and/or estimates drawn from a range of calendar years (2001–2012). Staff recognizes that disclosure burdens may still be incurred regardless of whether or not a call results in a sale. Conversely, a substantial percentage of outbound calls result in consumers hanging up before the seller or telemarketer makes the required disclosure(s). However,

[10] Telemarketers and telefunders must comply, however, with the abandoned call provisions of the TSR and the opt-out requirements of the 2008 amendments.

[11] For the sake of simplicity and to err conservatively, FTC staff's burden estimates for provisions less likely to be applicable to telefunders (*e.g.*, prize promotion disclosure obligations for outbound live calls, under 16 CFR 310.4(d)) will not be reduced by a separate estimate for the subset of telemarketers that are telefunders. Conversely, estimates of the number of new-entrant telemarketers will incorporate new-entrant telefunders.

[12] An exempt entity is one that, although not subject to the TSR, voluntarily chooses to scrub its calling lists against the data in the Registry.

[13] These entities would nonetheless likely be subject to the Federal Communications Commission's ("FCC") Telephone Consumer Protection Act regulations, including the requirement that entities engaged in intrastate telephone solicitations access the Registry.

[14] For purposes of these calculations, staff assumes that telemarketers making prerecorded calls download telephone numbers listed on the Registry, rather than conduct online searches, because the latter may consume much more time. Other telemarketers not placing the high-volume of automated prerecorded calls may elect to search online, rather than to download.

[15] This figure includes new entrants making prerecorded calls and offering debt relief services, based on prior estimates that neither would require more than 100 hours to comply with those requirements. *See* 74 FR 11,952, 11,954 n. 17 (Mar. 20, 2009); 75 FR 48,458, 48,504 (Aug. 10, 2010); 78 FR 19,483, 19,484 n. 15 (Apr. 1, 2013).

[16] The recordkeeping requirements for prerecorded calls are de minimis, and are subsumed within the PRA estimates above for existing and new telemarketing entities. As in its prior estimates, staff continues to believe that any ongoing incremental burden on sellers to create and retain electronic records of written agreements by new customers to receive prerecorded calls should not be material since the agreements may be obtained and recorded electronically pursuant to the Electronic Signatures In Global and National Commerce Act (commonly, "E–SIGN"). Although telemarketers (and telefunders) that place prerecorded calls on behalf of sellers or charities must capture and transmit to the seller any requests they receive to place a consumer's telephone number on the seller's entity-specific do-not-call list, this obligation extends both to live and prerecorded telemarketing calls, and is also subsumed within the PRA estimates above.

[17] 78 FR at 19,485.

[18] While staff does not have information directly stating the number of inbound telemarketers, data last appearing in the DMA 2009 Statistical Fact Book (February 2009), p. 18, shows that 17% of all direct marketing in 2008 was by inbound telemarketing and 20% was by outbound telemarketing. Accordingly, based on such relative weighting, staff estimates that the number of inbound telemarketers is approximately 3,235 ((7,041 × 17) ÷ (17 + 20)).

[19] Some exceptions to this broad exemption exist, including solicitations regarding prize promotions, investment opportunities, business opportunities other than business arrangements covered by the Franchise Rule or Business Opportunity Rule, advertisements involving goods or services described in 310.3(a)(1)(vi), advertisements involving goods or services described in 310.4(a)(2)–(4); and any instances of upselling included in such telephone calls.

[20] Since only sellers, and not telemarketers, would make the written disclosures, and this estimate includes both, it conservatively overstates the number of entities subject to the requirement.

because the requirements in § 310.3(a)(1) for certain disclosures before a consumer pays for a telemarketing purchase apply only to sales, early call cessation (*i.e.*, consumers hanging up before any disclosure or before full disclosure) is excluded from staff's burden estimates for § 310.3(a)(1).

For transactions in which a sale is not a precursor to a required disclosure, *i.e.*, the upfront disclosures required in all outbound telemarketing calls and outbound or inbound "upsell" calls by § 310.4(d), consistent with past estimates, staff has continued to calculate burden for initial transactions based on estimates of the total volume of outbound and inbound calls, discounted for anticipated early hang-ups. For transactions in which a sale is a precursor to required disclosure, *i.e.*, § 310.3(a)(1), the calculation is based on the volume of direct sales.

Based on industry data and further FTC extrapolations,[21] staff estimates that 2.3 billion outbound telemarketing calls are subject to FTC jurisdiction, that 450 million of these calls result in direct sales,[22] and that there are 1.8 billion inbound calls that result in direct sales. Staff retains its longstanding estimate that, in a telemarketing call involving the sale of goods or services, it takes 7 seconds [23] for telemarketers to recite the required pre-sale disclosures plus 3 additional seconds [24] to disclose the information required in the case of an upsell. Staff also retains its longstanding estimates that at least 60 percent of sales calls result in "hang-ups" before the telemarketer can make all the required disclosures and that "hang-up" calls allow for only 2 seconds of disclosures.[25]

Staff bases all ensuing upsell calculations on the volume of additional sales after an initial sale, with the assumption that a consumer is unlikely to be predisposed to an upsell if he or she rejects an initial offer—whether through an outbound or an inbound call. Using industry information, staff assumes an upsell conversion rate of 40% for inbound calls as well as outbound calls.[26] Moreover, staff assumes that consumers who agree to an upsell will not terminate an upsell before the seller or telemarketer makes the full required disclosures.

Based on the above inputs and assumptions, staff estimates that the total time associated with these pre-sale disclosure requirements is 826,389 hours per year: [(2.3 billion outbound calls × 40% lasting the duration × 7 seconds of full pre-sale disclosures ÷ 3,600 (conversion of minutes to hours) × 25% burden = 447,222 hours) + (2.3 billion outbound calls × 60% terminated after 2 seconds of disclosures ÷ 3,600 × 25% burden = 191,667 hours) + (450 million outbound calls resulting in direct sales × 40% upsell conversions × 3 seconds of related disclosures ÷ 3,600 × 25% burden = 37,500 hours) + (1.8 billion inbound calls × 40% upsell conversions × 3 seconds ÷ 3,600 × 25% burden = 150,000 hours)] = 826,389 hours).

The TSR also requires several general sales disclosures in telemarketing calls before the customer pays for goods or services.[27] These disclosures include the total costs of the offered goods or services, all material restrictions, and all material terms and conditions of the seller's refund, cancellation, exchange, or repurchase policies (if a representation about such a policy is a part of the sales offer).

Staff estimates that the general sales disclosures for telemarketing calls require 352,695 hours annually. This figure includes the burden for written disclosures (1,078 inbound telemarketing entities estimated to use direct mail [28] × 10 hours [29] per year × 25% burden = 2,695 hours), as well as the figure for oral disclosures [450 million outbound calls × 8 seconds ÷ 3,600 × 25% burden = 250,000 hours) + (450 million outbound calls × 40% upsell attempts × 20% sales conversion × 8 seconds ÷ 3,600 × 25% burden = 20,000 hours) + (1.8 billion inbound calls × 40% upsell attempts × 20% sales conversion × 8 seconds ÷ 3,600 × 25% burden = 80,000 hours)] = 352,695 hours.[30]

To estimate the time required to provide the general sales disclosures for calls offering debt relief services, staff employs different assumptions and calculations set forth when the debt relief amendments were issued.[31] Employing that analysis, as modified in response to a public comment to account for inbound debt relief sales,[32] staff continues to assume that outbound calls to sell and inbound calls to buy debt relief services are made only to consumers who are delinquent on one or more credit cards.[33] For simplicity, and lacking specific information or prior comment to the contrary, staff further assumes that each such consumer will receive one outbound call and place one inbound call for these services.

To estimate the number of consumers who are delinquent on one or more credit cards, staff assumes that couples constitute a single decision-making unit, as do single adults (widowed, divorced, separated, never married) within each household. According to the most current U.S. Census Bureau data available, there are 162,016,000 decision-making units.[34] Of these,

[21] Staff employs the methodology, assumptions, and studies it has consistently used since their development for the 2003 TSR amendments to determine, indirectly from external sales data and the relative percentages of inbound and outbound calls, the number of telemarketing calls and resulting number of sales because no call or sales number totals are otherwise available. Staff relies on its own prior estimates that of the $134.7 billion of sales from outbound calls to consumers in 2012 (DMA 2013 Statistical Fact Book, at 5), 92.8% of those sales, or $125 billion, are subject to FTC jurisdiction, with the average value of a sale being $85, and 20% of outbound calls resulting in a sale.

[22] For staff's PRA burden calculations, only direct sales orders by telephone are relevant. That is, sales generated through leads or customer traffic are excluded from these calculations because such sales are not subject to the TSR's recordkeeping and disclosure provisions. The direct sales transactions total of 450 million is based on an estimated 1.5 billion sales transactions from outbound calls being subject to FTC jurisdiction reduced by an estimated 30 percent attributable to direct orders. This percentage estimate is derived from the only known available outside direct sales data for telephone marketing to consumers. *See* DMA Statistical Fact Book (2001), p. 301.

[23] *See, e.g.*, 60 FR 32,682, 32,683 (June 23, 1995); 63 FR 40,713, 40,714 (July 30, 1998); 66 FR 33,701, 33,702 (June 25, 2001); 71 FR 28,698, 28,700 (May 17, 2006); 74 FR 11,952, 11,955 (Mar. 20, 2009); 78 FR at 19,485.

[24] 71 FR 3302, 3304 (Jan. 20, 2006); 71 FR at 28,700; 78 FR at 19,485.

[25] *See, e.g.*, 60 FR at 32,683; 78 FR at 19,485.

[26] This assumption originated with industry response to the Commission's 2003 Final Amended TSR. *See* 68 FR 4580, 4597 n. 183 (Jan. 29, 2003). Although it was posited specifically regarding inbound calls, FTC staff will continue to apply this assumption to outbound calls as well, absent the receipt of any information to the contrary.

[27] 16 CFR 310.3(a)(1)(i)–(iii).

[28] *See supra* text preceding note 20.

[29] FTC staff believes a typical firm will spend approximately 10 hours per year engaged in activities ensuring compliance with this provision of the Rule; this, too, has been stated in prior FTC notices inviting comment on PRA estimates. No comments were received, and staff believes this estimate remains reasonable.

[30] The percentage and unit of time measurements are FTC staff estimates.

[31] 75 FR at 48,504–05.

[32] Debt relief sales in outbound calls have always been subject to the general sales disclosure requirements, and are subsumed in the outbound general sales disclosure totals.

[33] By extension upsells on these initial calls would not be applicable. Moreover, staff believes that few, if any, upsells on initial outbound and inbound calls would be for debt relief.

[34] U.S. Census Bureau, *Income and Poverty in the United States: 2014*, (September 2015), p. 6, *available at http://www.census.gov/content/dam/Census/library/publications/2015/demo/p60-252.pdf* (reflecting 124,587,000 households in 2014); U.S. Census Bureau, *Sharing a Household: Household Composition and Economic Well Being: 2007–2010* (June 2012), Table 2, p. 4, *available at www.census.gov/hhes/www/poverty/publications/P60-242.pdf* (reflecting 37,429,000 adults living with a householder that is neither a spouse nor cohabiting partner in 2010).

116,975,552 have one or more credit cards,[35] and there are 3,193,433 decision-making units with at least one delinquent credit card account.[36]

Accordingly, since reciting the general sales disclosures takes eight seconds, staff estimates that the general sales disclosure burden for inbound debt relief calls is 1,774 hours (3,193,433 inbound debt relief calls to decision-making units with at least one delinquent credit card account × 8 seconds ÷ 3,600 × 25% burden).

The general sales disclosures required by § 310.3(a)(1)(i)–(iii) must also be made by sellers and telemarketers for some inbound calls that are excluded from the general media and direct mail exemptions from the TSR for inbound calls;[37] namely, calls in response to ads for investment opportunities, certain business opportunities,[38] credit card loss protection ("CCLP"),[39] credit repair,[40] loss recovery services,[41] and advance fee loans.[42]

Staff's estimates for each of these types of non-exempt inbound calls begins by comparing the number of complaints reported to the FTC's Consumer Sentinel system in the most recent complete year to the total number of reported fraud complaints for that year. The resulting percentage of total fraud complaints must be adjusted to reflect the fact that only a relatively small percentage of telemarketing calls are fraudulent. To extrapolate the percentage of fraudulent telemarketing calls, staff divides a Congressional estimate of annual consumer injury from telemarketing fraud (40 billion)[43] by recent available data on total consumer and business-to-business telemarketing sales ($305.1 billion in 2012),[44] or 13%. The two percentages are then multiplied together to determine the percentage of the 1.8 billion annual inbound telemarketing calls represented by each type of fraud complaint.

Thus, for the 7,355 Sentinel complaints in 2015 about investment opportunities covered by the TSR,[45] or 0.6% of the 1,246,849 total fraud complaints reported that year,[46] the general sales disclosure burden is 3,200 hours (1.8 billion inbound calls × 0.0008 [0.006 × 0.13] × 8 seconds ÷ 3,600). Likewise, the burden for business opportunity sales (10,059 complaints), including complaints for multi-level marketing/pyramids/chain letters) is 4,000 hours (1.8 billion × .001 [0.008 × 0.13] × 8 seconds ÷ 3,600);[47] for advance fee loan sales (19,908 complaints), 8,000 hours (1.8 billion × 0.002 [0.016 × 0.13] × 8 seconds ÷ 3,600); for credit repair sales (1,751 complaints), 400 hours (1.8 billion × 0.0001 [0.001 × 0.13] × 8 seconds ÷ 3,600); 400 hours for loss recovery services (2,509 complaints) (1.8 billion × 0.0001 [0.001 × 0.13] × 8 seconds ÷ 3,600); 120 hours for CCLP sales (266 complaints) (1.8 billion × 0.00003 [0.0002 × 0.13] × 8 seconds ÷ 3,600). The exceptions to the TSR's inbound call exemptions therefore add an additional 16,120 hours to the general sales disclosure burden.

Altogether, the general sales disclosure burden thus is 370,589 hours (352,695 hours for outbound sales + 1,774 hours for debt relief inbound sales + 16,120 hours for non-exempt inbound sales).

Additional specific disclosures are required if the call involves a prize promotion,[48] the sale of credit card loss protection products,[49] an offer with a negative option feature,[50] or the sale of a debt relief service.[51] Staff estimates that the specific sales disclosures other than for debt relief services will require 22,363 hours annually [(450 million direct sales transactions from outbound calls × 5% [estimate of percentage of sales transactions involving prize promotions] × 3 seconds ÷ 3,600 × 25% burden = 4,688 hours) + 450 million direct sales transactions from outbound calls × 0.1% [estimate of percentage of sales transactions involving CCLP] × 4 seconds ÷ 3,600 × 25% burden = 125 hours) + (450 million sales transactions from outbound calls × 40% attempted upsell conversions × 20% sales conversions × 0.1% [estimate of percentage of outbound calls involving CCLP upsells] × 4 seconds × 25% burden ÷ 3,600 = 10 hours) + (1.8 billion inbound calls × 40% attempted upsell conversions × 20% sales conversions × 0.1% [estimate of percentage of inbound calls involving CCLP upsells] × 4 seconds × 25% burden ÷ 3,600 = 40 hours) + (450 million sales transactions from outbound calls × 10% [estimate of percentage of outbound calls involving negative options] × 4 seconds ÷ 3,600 × 25% burden = 12,500 hours) + (450 million sales transactions from outbound calls × 40% attempted upsell conversions × 20% sales conversions × 10% [estimate of percentage of outbound calls involving negative option upsells] × 4 seconds × 25% burden ÷ 3,600 = 1,000 hours) + (1.8 billion inbound calls × 40% attempted upsell conversions × 20% sales conversions × 10% [estimate of percentage of inbound calls involving negative option upsells] × 4 seconds ÷ 3,600 × 25% burden = 4000 hours).

Staff estimates that reciting the specific sales disclosures in each debt relief sales call will take ten seconds, and therefore the disclosure burden associated with the debt relief disclosures is 4,436 hours (3,193,433 outbound debt relief calls × 10 seconds

[35] The estimate of consumers with one or more credit cards is derived by multiplying the estimated decision making units (162,016,000) by the percentage of consumers with one or more credit cards (72.2%). Federal Reserve Bank of Boston, Consumer Payments Research Center, *The 2009 Survey of Consumer Payment Choice* (April 2011), p. 8, *available at www.bostonfed.org/economic/ppdp/2011/ppdp1101.pdf.*

[36] The estimate of consumers with a delinquent account is derived by multiplying the estimate of consumers with one or more credit cards (116,975,552) by the delinquency rate for credit cards (2.73%). Board of Governors of the Federal Reserve System, *Charge Off and Delinquency Rates on Loans and Leases at Commercial Banks, available at http://www.federalreserve.gov/releases/chargeoff/delallsa.htm* (reporting a 2.73% delinquency rate for credit cards for the fourth quarter of 2012).

[37] 16 CFR 310.6(b)(5) (general media) and § 310.6(b)(6) (direct mail).

[38] Staff has previously accounted only for the business opportunity exclusion, which so significantly overstated the number of complaints not covered by the Franchise Rule or Business Opportunity Rule that it served as a proxy for all the other exclusions. *See infra* note 47. With the recent burgeoning increase in advance fee loan complaints, that may no longer be the case, and staff accordingly now accounts for all the exclusions, even though some may seem trivial.

[39] 16 CFR 310.3(a)(1)(vi).

[40] 16 CFR 310.4(a)(2).

[41] 16 CFR 310.4(a)(3).

[42] 16 CFR 310.4(a)(4).

[43] The FBI believes that this estimate now overstates telemarketing fraud losses as a result of its investigations and closings of once massive telemarketing boiler room operations. *See* FBI, *A Byte Out of History: Turning the Tables on Telemarketing Fraud* (Dec. 8, 2010), *available at https://www.fbi.gov/news/stories/2010/december/telemarketing_120810/telemarketing_120810. See also* Internet Crime Complaint Center, 2009Annual Report on Internet Crime (citing $559.7 million of losses claimed in consumer complaints), available at *http://www.justice.gov/criminal-fraud/mass-marketing-fraud.*

[44] DMA 2013 Statistical Fact Book (January 2013), p. 5.

[45] FTC, Consumer Sentinel Network Data Book for January–December 2015 (February 2016) ("Sentinel Data"), Appendix B3, p. 83, available at *https://www.ftc.gov/reports/consumer-sentinel-network-data-book-january-december-2015.*

[46] Sentinel Data at 7.

[47] Sentinel Data at 7, 80. While this total excludes "Franchises/Distributorships" covered by the Franchise Rule and thus not subject to the TSR, the data cannot additionally be segregated to omit "Work-At-Home" opportunities now covered by the Business Opportunity Rule and thus also not subject to the TSR. Staff therefore believes this total significantly overstates the opportunities subject to the TSR.

[48] 16 CFR 310.3(a)(1)(iv)–(v).

[49] 16 CFR 310.3(a)(1)(vi). It is neither staff's understanding nor belief that CCLP sales occur through inbound calls. Staff anticipates, however, the potential for such sales in an upsell following an inbound call.

[50] 16 CFR 310.3(a)(1)(vii).

[51] 16 CFR 310.3(a)(1)(viii).

× 25% burden = 2,218 hours) + (3,193,433 inbound debt relief calls × 10 seconds × 25% burden = 2,218 hours).

Thus, the total specific sales disclosure burden is 26,799 hours annually (22,363 for non-debt-relief calls) + 4,436 (for debt relief calls).

Cumulatively, therefore, the total annual burden for all of the sales disclosures is 397,388 hours (370,589 hours general sales disclosures + 26,799 hours specific sales disclosures).

(c) Reporting Hours

Finally, any entity that accesses the Registry, regardless whether it is paying for access, must submit minimal identifying information to the operator of the Registry. This basic information includes the name, address, and telephone number of the entity; a contact person for the organization; and information about the manner of payment. The entity also must submit a list of the area codes for which it requests information and certify that it is accessing the Registry solely to comply with the provisions of the TSR. If the entity is accessing the Registry on behalf of other seller or telemarketer clients, it has to submit basic identifying information about those clients, a list of the area codes for which it requests information on their behalf, and a certification that the clients are accessing the Registry solely to comply with the TSR.

As it has since the Commission's initial proposal to implement user fees under the TSR, FTC staff estimates that affected entities will require no more than two minutes for each entity to submit this basic information, and anticipates that each entity will have to submit the information annually.[52] Based on the number of entities accessing the Registry that are subject to the TSR, this requirement will result in 235 burden hours (7,041 entities × 2 minutes per entity). In addition, FTC staff continues to estimate that up to one-half of those entities may need, during the course of their annual period, to submit their basic identifying information more than once in order to obtain additional area codes of data. Thus, this would result in an additional 117 burden hours. Accordingly, accessing the Registry will impose a total burden of approximately 352 hours per year.

Cumulative of the foregoing components, disclosure burden for new and existing telemarketing entities, including those making debt relief and prerecorded calls,[53] is 1,223,777 hours (826,389 hours [pre-sale disclosures] + 370,589 hours [general sales disclosures] + 26,799 hours [specific sales disclosures]).

Thus, total recordkeeping, disclosure, and reporting burden is 1,238,670 hours (14,541 hours + 1,223,777 hours + 352 hours).

Estimated Annual Labor Cost: $15,893,001.

(a) Recordkeeping Labor Cost

Assuming a cumulative burden of 7,500 hours a year to set up compliant recordkeeping systems for new telemarketing entities (75 new entrants/year × 100 hours each), and applying to that a skilled labor rate of $26.92/hour,[54] labor costs would approximate $201,900 yearly for all new telemarketing entities. As indicated above, staff estimates that existing telemarketing entities require 7,041 hours, cumulatively, to maintain compliance with the TSR's recordkeeping provisions. Applying a clerical wage rate of $15.33/hour,[55] recordkeeping maintenance for existing telemarketing entities would amount to an annual cost of approximately $107,939. Thus, the estimated labor cost for recordkeeping associated with the TSR for both new and existing telemarketing entities, including prerecorded and debt relief calls, is $309,839.

(b) Disclosure Labor Cost

The estimated annual labor cost for disclosures for all telemarketing entities is $15,578,681. This total is the product of applying an assumed hourly wage rate of $12.73 [56] to the earlier stated estimate of 1,223,777 hours pertaining to the pre-sale, general and specific disclosures.

(c) Reporting Labor Cost

Estimated labor cost supplying basic identifying information to the Registry operator is $4,481 (352 hours × $12.73 per hour).

Thus, cumulatively for both new and existing telemarketing entities, including prerecorded and debt relief calls, total labor costs are $15,893,001 [($309,839, recordkeeping) + ($15,578,681 disclosure) + ($4,481, reporting)].

Estimated Annual Non-Labor Cost: $4,757,647.

(a) Recordkeeping

Staff believes that the capital and start-up costs associated with the TSR's recordkeeping provisions are de minimis. They mandate that companies maintain records, but not in any particular form. While the requirements necessitate that affected entities have a means of storage, industry members should have that already for business purposes independent of the Rule. Even if an entity finds it necessary to purchase a storage device, the cost is likely to be minimal, especially when annualized over the item's useful life.

Affected entities may need some storage media such as file folders, computer back-up tapes, or paper in order to comply with the Rule's recordkeeping requirements. Although staff believes that most affected entities would maintain the required records in the ordinary course of business, consistent with its prior analyses, staff estimates that the estimated 7,041 telemarketing entities subject to the Rule continue to spend an annual amount of $50 each on office supplies as a result of the Rule's recordkeeping requirements, for a total recordkeeping cost burden for both new and existing telemarketing entities, including those making prerecorded calls, of $352,050.

(b) Disclosure

Consistent with its past practice of applying the disclosure estimates discussed above, and totaling 1,223,777 hours, to a retained estimated commercial calling rate of 6 cents per minute ($3.60 per hour), staff estimates a total of $4,405,597 in telephone charges.[57]

[52] *See* 67 FR 37,366 (May 29, 2002). The two-minute estimate likely is conservative. The OMB regulation defining "information" under the PRA generally excludes disclosures that require persons to provide facts necessary simply to identify themselves, *e.g.*, the respondent, the respondent's address, and a description of the information the respondent seeks in detail sufficient to facilitate the request. *See* 5 CFR 1320.3(h)(1).

[53] The required opt-out disclosure for all prerecorded calls mandated by the 2008 amendments would not require any material time expenditure, and arguably less time than a pre-existing and now identical FCC disclosure requirement. In any event, because the "opt-out" disclosure applies only to prerecorded calls, which are fully automated, no additional worker hours would be expended in its electronic delivery.

[54] This figure is derived from the mean hourly wage shown for "Computer Support Specialist." "Occupational Employment and Wages—May 2015," Bureau of Labor Statistics, U.S. Department of Labor, released March 30, 2016, Table 1 ("National employment and wage data from the Occupational Employment Statistics survey by occupation, May 2014"), *available at http://www.bls.gov/news.release/ocwage.t01.htm.*

[55] This figure is derived from the mean hourly wage shown for Office Clerks, General. *See id.*

[56] This figure is derived from the mean hourly wage shown for Telemarketers. *See supra* note 54. It is applied additionally to the ensuing calculation of reporting labor cost regarding the Registry operator.

[57] Staff believes that other non-labor costs would be incurred largely by affected entities in the ordinary course of business and, beyond that, would not materially exceed those ordinary costs.

Staff believes that the inbound telemarketing entities choosing to comply with the Rule by making written disclosures incur no additional capital or operating expenses as a result of the Rule's requirements because they are likely to provide written information to prospective customers in the ordinary course of business. Adding the disclosures required by the direct mail exemption to that written information likely requires no supplemental non-labor expenditures.

Thus, cumulatively for both new and existing telemarketing entities, including prerecorded and debt relief calls, total capital and/or other non-labor costs are $4,757,647 ($352,050 (office supplies) + $4,405,597 (telephone charges)).

Request for Comment: Pursuant to section 3506(c)(2)(A) of the PRA, the FTC invites comments on: (1) Whether the disclosure, recordkeeping, and reporting requirements are necessary, including whether the resulting information will be practically useful; (2) the accuracy of our burden estimates, including whether the methodology and assumptions used are valid; (3) how to improve the quality, utility, and clarity of the disclosure requirements; and (4) how to minimize the burden of providing the required information to consumers. All comments should be filed as prescribed in the **ADDRESSES** section above, and must be received on or before June 13, 2016.

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before June 13, 2016. Write "TSR PRA Comment, FTC File No. P094400" on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, like medical records or other individually identifiable health information. In addition, do not include any "[t]rade secret or any commercial or financial information which is . . . privileged or confidential" as provided in section 6(f) of the FTC Act 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c).[58] Your comment will be kept confidential only if the FTC General Counsel grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/tsrrulepra,* by following the instructions on the web-based form. When this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you file your comment on paper, write "TSR PRA Comment, FTC File No. P094400" on your comment and on the envelope, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex J), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before June 13, 2016. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see *http://www.ftc.gov/ftc/privacy.htm.*

[58] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

David C. Shonka,

Acting General Counsel.

[FR Doc. 2016–08655 Filed 4–13–16; 8:45 am]

BILLING CODE 6750–01–P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Submission for OMB Review; Comment Request

AGENCY: Federal Trade Commission ("Commission" or "FTC").

ACTION: Notice.

SUMMARY: The information collection requirements described below will be submitted to the Office of Management and Budget ("OMB") for review, as required by the Paperwork Reduction Act ("PRA"). The FTC seeks public comments on its proposal to extend for an additional three years the current PRA clearance for information collection requirements contained in its Alternative Fuels Rule. That clearance expires on June 30, 2016.

DATES: Comments must be submitted on or before May 16, 2016.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write "Paperwork Comment: FTC File No. P134200" on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/altfuelspra2* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex J), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed information requirements for the Alternative Fuels Rule should be directed to Hampton Newsome, Attorney, (202) 326–2889, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION:

Title: Alternative Fuels Rule, 16 CFR part 309.

OMB Control Number: 3084–0094.

Type of Review: Extension of currently approved collection.

Abstract: The Rule, which implements the Energy Policy Act of 1992, Public Law 102–486, requires disclosure of specific information on labels posted on fuel dispensers for non-liquid alternative fuels. To ensure the accuracy of these disclosures, the Rule also requires that sellers maintain records substantiating product-specific disclosures they include on these labels.

It is common practice for alternative fuel industry members to determine and monitor fuel ratings in the normal course of their business activities. This is because industry members must determine the fuel ratings of their products in order to monitor quality and to decide how to market them. "Burden" for PRA purposes is defined to exclude effort that would be expended regardless of any regulatory requirement. 5 CFR 1320.2(b)(2). Moreover, as originally anticipated when the Rule was promulgated in 1995, many of the information collection requirements and the originally-estimated hours were associated with one-time start up tasks of implementing standard systems and processes.

Other factors also limit the burden associated with the Rule. Certification may be a one-time event or require only infrequent revision. Disclosures on electric vehicle fuel dispensing systems may be useable for several years. Nonetheless, there is still some burden associated with posting labels. There also will be some minimal burden associated with new or revised certification of fuel ratings and recordkeeping. The burden on vehicle manufacturers is limited because only newly-manufactured vehicles will require label posting and manufacturers produce very few new models each year.

On January 11, 2016, the Commission sought comment on the information collection requirements and staff's PRA burden estimates associated with the Rule ("January 11, 2016 Notice"). 81 FR 1187. No relevant comments were received.

Estimated Annual Burden:[1]

Hours: Certification (550) + recordkeeping (1,300) + labeling (2,340) = 4,190 hours

Labor Costs: Certification and labeling ($91,729) + recordkeeping ($19,093) = $110,822

Non-Labor Cost: $1,900 (estimated annual fuel labeling costs)

Request for Comment: You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before May 16, 2016. Write "Paperwork Comment: FTC File No. P134200" on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment doesn't include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment doesn't include any sensitive health information, like medical records or other individually identifiable health information. In addition, don't include any "[t]rade secret or any commercial or financial information which is . . . privileged or confidential" as provided in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2).

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c)).[2] Your comment will be kept confidential only if the FTC General Counsel grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online, or to send them to the Commission by courier or overnight service. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/altfuelspra2,* by following the instructions on the web-based form. When this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you file your comment on paper, write "Paperwork Comment: FTC File No. P134200" on your comment and on the envelope, and mail it to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex J), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Comments on the information collection requirements subject to review under the PRA should additionally be submitted to OMB. If sent by U.S. mail, they should be addressed to Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Federal Trade Commission, New Executive Office Building, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503. Comments sent to OMB by U.S. postal mail, however, are subject to delays due to heightened security precautions. Thus, comments instead should be sent by facsimile to (202) 395–5806.

The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before May 16, 2016. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see *http://www.ftc.gov/ftc/privacy.htm.*

David C. Shonka,

Acting General Counsel.

[FR Doc. 2016–08657 Filed 4–13–16; 8:45 am]

BILLING CODE 6750–01–P

[1] The calculations underlying these estimates are detailed in the related January 11, 2016 Notice. See 81 FR at 1187–1188. However, labor cost totals are increased here given updated hourly wage averages for fuel system operators ($31.74 per hour) and service station employees ($11.27 per hour) resulting from Bureau of Labor Statistics data released March 30, 2016: *http://www.bls.gov/news.release/ocwage.nr0.htm* (see Table 1, "National employment and wage data from the Occupational Employment Statistics survey by occupation, May 2015").

[2] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), CFR 4.9(c), 16 CFR 4.9(c).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[CFDA Number: 93.590]

Award of Single-Source Program Expansion Supplements to the Yakima Valley Farm Workers Clinic, Toppenish, WA, and the Confederated Salish and Kootenai Tribes, Pablo, MT

AGENCY: Children's Bureau, Administration on Children, Youth and Families, ACF, HHS.

ACTION: Announcement of the award of single-source program expansion supplements to the Yakima Valley Farm Workers Clinic, Toppenish, WA, and the Confederated Salish and Kootenai Tribes, Pablo, MT, to provide expanded and enhanced child abuse prevention activities and family support services that enhance the lives and ensure the safety and well-being of migrant and Native American children and their families.

SUMMARY: The Administration for Children and Families (ACF), Administration on Children, Youth and Families (ACYF), Children's Bureau (CB), announces the award of two single-source program expansion supplements in the amount of $69,481 each to the Yakima Valley Farm Workers Clinic, Toppenish, WA, and the Confederated Salish and Kootenai Tribes, Pablo, MT, to support expansion activities to better meet the national need for prevention services to migrant and Native American children and their families.

DATES: The expansion supplement is for a project period of 12 months from September 30, 2015 through September 29, 2016.

FOR FURTHER INFORMATION CONTACT: Rosie Gomez, Children's Bureau, 330 C Street SW., Washington, DC 20201. Telephone: 202–205–7403; Email: *rosie.gomez@acf.hhs.gov.*

SUPPLEMENTARY INFORMATION: These grantees have developed unique approaches to address child abuse and neglect prevention efforts in their communities, with independently rigorous evaluation approaches and similar program outcomes:

- Yakima Valley Farm Workers Clinic provides Spanish-language parenting education classes targeting low-income, Spanish-speaking migrant families. The goals of the parenting education program are to prevent child abuse and neglect and promote healthy family development, increase family and community protective factors and resilience, and demonstrate the benefits of collaboration between child/family serving programs.
- The Confederated Salish and Kootenai Tribes Parent Partner Project provides three evidence-informed practices: (1) The Parent Partner model; (2) Positive Indian Parenting; and (3) Mind Body Awareness Mindfulness Training. The target population is American Indian families residing on the Flathead Indian Reservation in northwestern Montana who have substantiated cases of abuse or neglect or who are providing foster care services to children from such families.

Both organizations provide effective and comprehensive child abuse prevention activities and family support services that enhance the lives and ensure the safety and well-being of migrant and Native American children and their families. The supplemental funding will afford these entities the opportunity to provide expanded and enhanced child abuse prevention activities and family support services

Statutory Authority: Title II of the Child Abuse Prevention and Treatment Act, 42 U.S.C. 5116 *et seq.*, as amended, Pub. L. 111–320.

Christopher Beach,

Senior Grants Policy Specialist, Division of Grants Policy, Office of Administration.

[FR Doc. 2016–08588 Filed 4–13–16; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[CFDA Number: 93.652]

Announcing the Award of a Single-Source Program Expansion Supplement to University of Denver (Colorado Seminary), In Denver, CO, for the Capacity Building Center for Tribes

AGENCY: Children's Bureau, Administration on Children, Youth and Families, ACF, HHS.

ACTION: Notice of the award of a single-source program expansion supplement to University of Denver (Colorado Seminary)to expand the Capacity Building Center for Tribes.

SUMMARY: The Administration for Children and Families (ACF), Administration on Children, Youth and Families (ACYF), Children's Bureau (CB), announces the award of a single-source program expansion supplement in the amount of $350,000 to University of Denver (Colorado Seminary), Denver, CO, for the expansion of the Capacity Building Center for Tribes (CBCT) to provide expanded tailored technical assistance to Tribes across the nation and allow for expanded and enhanced collaboration with the other centers that form the Child Welfare Capacity Building Collaborative.

DATES: The expansion supplement will support project activities from September 30, 2015 through September 29, 2016.

FOR FURTHER INFORMATION CONTACT: Roshanda Shoulders, Tribal Specialist, Children's Bureau, 330 C Street SW., Washington, DC 20201. Telephone: 202–205–8709; Email: *roshanda.shoulders@acf.hhs.gov.*

SUPPLEMENTARY INFORMATION: CB announces the award of a single-source program expansion supplement in the amount of $350,000 to University of Denver (Colorado Seminary), Denver, CO, for the expansion of the Capacity Building Center for Tribes (CBCT) to provide expanded tailored technical assistance to Tribes across the nation and allow for expanded and enhanced collaboration with the other centers that form the Child Welfare Capacity Building Collaborative. The Center will also utilize the supplemental funds to increase its collaborative efforts with other CB supported capacity building providers to improve child welfare systems in achieving measurable, sustainable systemic change that results in greater safety, permanency, and well-being for children, youth, and families.

The supplement also will support successful engagement and support to Title IV–E and IV–B Tribes in continuous quality improvement efforts, the quality of permanency efforts, and assist Tribal agencies in designing, implementing and testing innovations to build evidence of effective practices, interventions, and models. The CBCT will also utilize the supplement to expand and enhance its collaborative work and activities with and within the Child Welfare Capacity Building Collaborative and the Center for States and Center for Courts, specifically, to support joint work toward shared outcomes.

University of Denver (Colorado Seminary) is uniquely positioned to expand this project as a result of their work as the current grantee to launch and operate the Capacity Building Center for Tribes. The project is currently in its inaugural year.

Statutory Authority: The statutory authority is the Adoption Opportunities Program, section 203 (42 U.S.C. 5113) of the

Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, (Pub. L. 95–266), as amended by the Keeping Children and Families Safe Act of 2003 (Pub. L. 108–36).

Christopher Beach,

Senior Grants Policy Specialist, Division of Grants Policy, Office of Administration.

[FR Doc. 2016–08544 Filed 4–13–16; 8:45 am]

BILLING CODE 4184–25–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[CFDA Number: 93.670]

Announcement of the Award of a Single-Source Program Expansion Supplement Grant to the American Bar Association Fund for Justice and Education, Washington, DC

AGENCY: Children's Bureau, Administration on Children, Youth and Families, ACF, HHS.

ACTION: Announcement of the award of a single-source program expansion supplement grant to the American Bar Association Fund for Justice and Education, Washington, DC, to provide expanded tailored capacity building services to state and tribal Court Improvement Programs and to enhance collaborative work with the Child Welfare Capacity Building Collaborative.

SUMMARY: The Administration for Children and Families (ACF), Administration on Children, Youth and Families (ACYF), Children's Bureau (CB) announces the award of a single-source program expansion supplement in the amount of $500,000 to the American Bar Association Fund for Justice and Education, Washington, DC, to provide expanded tailored capacity building services to state and tribal Court Improvement Programs and to enhance collaborative work with the other CB funded capacity building providers through the national Child Welfare Capacity Building Center for Courts (CBCC).

DATES: The period of support is from September 30, 2015 through September 29, 2016.

FOR FURTHER INFORMATION CONTACT: David Kelly, Children's Bureau, 330 C Street SW., Washington, DC 20201. Telephone: 202–205–8709; Email: *david.kelly@acf.hhs.gov.*

SUPPLEMENTARY INFORMATION: The Children's Bureau (CB) has awarded a single-source program expansion supplement to provide expanded tailored capacity building services to state and tribal Court Improvement Programs and to enhance collaborative work with the other CB-funded capacity building providers through the national Child Welfare Capacity Building Center for Courts (CBCC). The CBCC's ability to respond to federal priorities to improve safety, permanency, and well-being of children and youth who have experienced maltreatment, exposure to violence, and/or trauma will be enhanced by this augmented ability to increase tailored services provision to state and tribal Court Improvement Programs and enhance collaborative work with other CB capacity building providers. The grantee is the recipient of a cooperative agreement to administer the national CBCC. The grantee has been providing technical assistance services through a cooperative agreement since September 30, 2014.

Statutory Authority: Section 105 of Child Abuse Prevention and Treatment Act (CAPTA) as amended (42 U.S.C. 5106).

Christopher Beach,

Senior Grants Policy Specialist, Division of Grants Policy, Office of Administration.

[FR Doc. 2016–08545 Filed 4–13–16; 8:45 am]

BILLING CODE 4184–29–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[CFDA Number: 93.670]

Announcing the Award of a Single-Source Program Expansion Supplement to Zero to Three in Washington, DC, for the Quality Improvement Center for Research-Based Infant-Toddler Court Teams

AGENCY: Children's Bureau, Administration on Children, Youth and Families, ACF, HHS.

ACTION: Notice of the award of a single-source program expansion supplement to Zero to Three for the expansion of the Quality Improvement Center for Research-Based Infant-Toddler Court Teams.

SUMMARY: The Administration for Children and Families (ACF), Administration on Children, Youth and Families (ACYF), Children's Bureau (CB), announces the award of a single-source program expansion supplement in the amount of $3,000,000 to Zero to Three, Washington, DC, for the expansion of the Quality Improvement Center for Research-Based Infant-Toddler Court Teams to promote collaboration with the courts and state, county, or tribal child welfare systems, and other community-based agencies to increase their capacity to incorporate evidence-based practices (EBPs) to strengthen parenting and promote healthy development for infants and toddlers involved with child welfare.

DATES: Supplemental funds will support activities from September 30, 2015 through September 29, 2017.

FOR FURTHER INFORMATION CONTACT: David Kelly, Court Improvement Specialist, Children's Bureau, 330 C Street SW., Washington, DC 20201. Telephone: 202–205–8709; Email: *David.Kelly@acf.hhs.gov.*

SUPPLEMENTARY INFORMATION: Award funds will support the development of additional demonstration sites and the development of resources and guides designed to help infuse promising practices and strategies into child welfare practice nationally. Zero to Three is uniquely positioned to expand this project as a result of their work as the current grantee to launch and operate the Quality Improvement Center for Research-Based Infant-Toddler Court Teams. The project is currently in its inaugural year.

Statutory Authority: The statutory authority is section 105(b)(5) of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5106(b)(5)), as most recently amended by CAPTA Reauthorization Act of 2010.

Christopher Beach,

Senior Grants Policy Specialist, Division of Grants Policy, Office of Administration.

[FR Doc. 2016–08521 Filed 4–13–16; 8:45 am]

BILLING CODE 4184–29–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[CFDA Numbers: 93.592]

Announcing the Award of a Single-Source Grant to the Pennsylvania Coalition Against Domestic Violence in Harrisburg, PA

AGENCY: Family and Youth Services Bureau, ACYF, ACF, HHS.

ACTION: Notice of the award of a single-source grant under the Family Violence Prevention and Services Act (FVPSA) Technical Assistance (TA) Project to the Pennsylvania Coalition Against Domestic Violence (PCADV) to support training and technical assistance

activities by Women of Color Network, Inc. (WOCN).

SUMMARY: The Administration for Children and Families (ACF), Administration on Children, Youth and Families (ACYF), Family and Youth Services Bureau (FYSB), Division of Family Violence and Prevention Services (DFVPS) announces the award of $175,000 as a single-source grant to the Pennsylvania Coalition Against Domestic Violence (PCADV) in Harrisburg, PA, to support activities by Women of Color Network Inc. (WOCN). The grantee, funded under the FVPSA program, is a technical assistance provider that assists FVPSA service providers to build the capacity of domestic violence programs.

DATES: The period of support for the single-source program expansion supplement is September 30, 2015 through September 29, 2016.

FOR FURTHER INFORMATION CONTACT: Shena Williams, Senior Program Specialist, Family Violence Prevention and Services Program, 330 C Street SW., Washington, DC 20201. Telephone: 202–205–5932; Email: *Shena.Williams@acf.hhs.gov.*

SUPPLEMENTARY INFORMATION: Grant funds will support WOCN, through the PCADV, to provide training and technical assistance to individuals and organizations dedicated to enhancing services to those in historically marginalized communities in domestic violence programs across the country.

The WOCN will provide technical assistance and training to FVPSA state administrators to strengthen collaborative efforts of state administrators and community-based organizations for the purposes of improving services to victims of domestic violence in diverse and historically marginalized communities.

This project may include such activities as listening sessions to identify specific needs, challenges and barriers to funding, services and collaborative efforts; documentation of technical assistance needs; and development of state-specific technical assistance plans and written recommendations for fostering and sustaining collaborative partnerships and capacity-building activities.

In addition to the issue of capacity-building activities, the grantee will provide support and training to address the identified barriers including gaps in leadership development. Training will include such activities as targeted technical assistance for state administrators, graduates and community-based organizations; resource sharing for the FVPSA state administrators, graduates and community-based organizations; evaluation and documentation of how the technical assistance and processes improved the skills, access, engagement and/or participation of the graduates, state administrators and community-based organizations.

Statutory Authority: Section 310 of the Family Violence Prevention and Services Act, as amended by Section 201 of the CAPTA Reauthorization Act of 2010, Pub. L. 111–320.

Christopher Beach,

Senior Grants Policy Specialist, Office of Administration.

[FR Doc. 2016–08534 Filed 4–13–16; 8:45 am]

BILLING CODE 4184–32–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–2235]

Draft Environmental Assessment and Preliminary Finding of No Significant Impact Concerning Investigational Use of Oxitec OX513A Mosquitoes; Extension of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) is extending the comment period for the notice that appeared in the **Federal Register** of March 14, 2016. In the notice, FDA requested comments on the Draft Environmental Assessment and Preliminary Finding of No Significant Impact Concerning Investigational Use of Oxitec OX513A Mosquitoes. The Agency is taking this action in response to requests for an extension to allow interested persons additional time to submit comments.

DATES: FDA is extending the comment period on the notice published March 14, 2016 (81 FR 13371). Submit either electronic or written comments by May 13, 2016.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *http://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *http://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Division of Dockets Management, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

Instructions: All submissions received must include the Docket No. FDA–2014–N–2235 for "Draft Environmental Assessment and Preliminary Finding of No Significant Impact Concerning Investigational Use of Oxitec OX513A Mosquitoes." Received comments will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at *http://www.regulations.gov* or at the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the

claimed confidential information redacted/blacked out, will be available for public viewing and posted on *http://www.regulations.gov*. Submit both copies to the Division of Dockets Management. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *http://www.fda.gov/regulatoryinformation/dockets/default.htm*.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *http://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Submit written requests for single copies of the draft Environmental Assessment (EA) and preliminary Finding of No Significant Impact (FONSI) to the Policy and Regulations Staff (HFV–6), Center for Veterinary Medicine, Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855. Send one self-addressed adhesive label to assist that office in processing your requests. Persons with access to the Internet may obtain the draft EA and preliminary FONSI at either *http://www.fda.gov/animalveterinary/developmentapprovalprocess/environmentalassessments/ucm300656.htm* or *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Brinda Dass, Center for Veterinary Medicine (HFV–2), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 240–276–8247, email: *abig@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 16, 2016, FDA published a notice with a 30-day comment period to request comments on the Draft Environmental Assessment and Preliminary Finding of No Significant Impact Concerning Investigational Use of Oxitec OX513A Mosquitoes.

The Agency has received requests for a 90-day extension of the comment period for the notice. Each request conveyed concern that the current 30-day comment period does not allow sufficient time to develop a meaningful or thoughtful response to the notice.

FDA has considered the requests and is extending the comment period for the notice for 30 days, until May 13, 2016. The Agency believes that a 30-day extension allows adequate time for interested persons to submit comments without significantly delaying the Agency's decision on whether to finalize these documents or prepare an Environmental Impact Statement.

Dated: April 7, 2016.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2016–08678 Filed 4–13–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the National Advisory Council on Drug Abuse.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council on Drug Abuse.

Date: May 3–4, 2016.

Closed: May 3, 2016.

Time: 2:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852.

Open: May 4, 2016.

Time: 8:30 a.m. to 4:00 p.m.

Agenda: This portion of the meeting will be open to the public for announcements and reports of administrative, legislative, and program developments in the drug abuse field.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852.

Contact Person: Susan R.B. Weiss, Ph.D., Director, Division of Extramural Research, Office of the Director, National Institute on Drug Abuse, NIH, DHHS, 6001 Executive Boulevard, NSC, Room 5274, MSC 9591, Rockville, MD 20892, 301–443–6487, *sweiss@nida.nih.gov*.

Any member of the public interested in presenting oral comments to the committee may notify the Contact Person listed on this notice at least 10 days in advance of the meeting. Interested individuals and representatives of organizations may submit a letter of intent, a brief description of the organization represented, and a short description of the oral presentation. Only one representative of an organization may be allowed to present oral comments and if accepted by the committee, presentations may be limited to five minutes. Both printed and electronic copies are requested for the record. In addition, any interested person may file written comments with the committee by forwarding their statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *www.drugabuse.gov/NACDA/NACDAHome.html*, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos.: 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: April 8, 2016.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–08523 Filed 4–13–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

Intent To Request Renewal From OMB of One Current Public Collection of Information: Baseline Assessment for Security Enhancement (BASE) Program

AGENCY: Transportation Security Administration, DHS.

ACTION: 60-Day notice.

SUMMARY: The Transportation Security Administration (TSA) invites public

comment on one currently approved Information Collection Request (ICR), Office of Management and Budget (OMB) control number 1652–0062 abstracted below that we will submit to OMB for renewal in compliance with the Paperwork Reduction Act (PRA). On August 21, 2015, OMB approved TSA's request to combine two previously approved BASE ICRs (1652–0061 and 1652–0062) into a single request.[1] TSA later requested an emergency revision due to requirements in the *Gerardo Hernandez Airport Security Act of 2015,*[2] addressing active shooter training and communication processes. OMB approved the emergency revision on February 29, 2016.[3] TSA is now seeking to renew the collection as it expires on August 31, 2016. The ICR assesses the current security practices in the mass transit/passenger rail transit and highway and motor carrier industries by way of the Baseline Assessment for Security Enhancement (BASE) program, which encompasses site visits and interviews, and is part of the larger domain awareness, prevention, and protection program supporting TSA's and the Department of Homeland Security's (DHS) missions. This voluntary collection allows TSA to conduct transportation security-related assessments during site visits with security and operating officials of certain surface transportation entities.

DATES: Send your comments by June 13, 2016.

ADDRESSES: Comments may be emailed to *TSAPRA@tsa.dhs.gov* or delivered to the TSA PRA Officer, Office of Information Technology (OIT), TSA–11, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598–6011.

FOR FURTHER INFORMATION CONTACT: Christina A. Walsh at the above address, or by telephone (571) 227–2062.

SUPPLEMENTARY INFORMATION:

Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation is available at *http://www.reginfo.gov.* Therefore, in preparation for OMB review and re-approval of the following voluntary information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information request is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Information Collection Requirement

OMB Control Number 1652–0062; Baseline Assessment for Security Enhancement (BASE) Program. Under the Aviation and Transportation Security Act (ATSA) and delegated authority from the Secretary of Homeland Security, TSA has broad responsibility and authority for "security in all modes of transportation including security responsibilities over modes of transportation that are exercised by the Department of Transportation."[4] TSA is required to "assess the security of each surface transportation mode and evaluate the effectiveness and efficiency of current Federal Government surface transportation security initiatives." E.O. 13416, sec. 3(a) (Dec. 5, 2006).

TSA developed the Baseline Assessment for Security Enhancement (BASE) program in 2007, in an effort to engage with surface transportation entities to establish a "baseline" of security and emergency response operations. This program was initially created for mass transit systems (including both rail and bus operations) and passenger railroads (MT/PR). However, based on the success of the program, TSA developed the Highway (HWY) BASE program in 2012, with full implementation in 2013. This incorporated trucking, school bus contractors, school districts, and over-the-road motor coach. This voluntary program has served to evaluate and collect physical and operational preparedness information and critical assets and key point-of-contact lists. The program also reviews emergency procedures and domain awareness training and provides an opportunity to share industry best practices.

TSA needs complete and consistent data about these transportation security programs to perform it mission. While many MT/PR and HWY entities have security and emergency response plans or protocols in place, the BASE program is the only available method which consistently evaluates implementation of these programs, their content, and benchmarks. The program provides TSA with real-time information on current security practices within the MT/PR and HWY modes of the surface transportation sector. This information also allows TSA to dynamically adapt its programs and recommendations to the changing threat within the context of the current security posture of these entities. Without this information, TSA's ability to perform its security mission would be severely hindered. Additionally, the assessment process fosters relationships critical to TSA's ability to interact effectively with those surface transportation entities participating in the BASE program.

On August 21, 2015, OMB approved TSA's request to combine two previously approved BASE ICRs (1652–0061 and 1652–0062) into a single request. *See* ICR Reference No. 201407–1652–001. Subsequently, the Gerardo Hernandez Airport Security Act of 2015 (the Act) directed TSA to conduct outreach to all passenger transportation agencies and providers with high-risk facilities . . . to verify such agencies and providers have in place plans to respond to active shooters, acts of terrorism, or other security-related incidents that target passengers; and to identify best practices for security incident planning, management, and training. *See* section 7 of Public Law 114–50, 129 Stat. 490 (Sept. 24, 2015). As a result of these requirements, TSA added seven (7) additional questions to the MT/PR BASE and five (5) additional questions to the HWY BASE. OMB approved the emergency revision on February 29, 2016, which expires on August 31, 2016. *See* ICR Reference No. 201506–1652–003. TSA is now seeking renewal of this revised information collection for the maximum three-year approval period.

Description of Data Collection

In carrying out the voluntary BASE program, TSA's Transportation Security

[1] See ICR Reference No. 201407–1652–001.

[2] Public Law 114–50, 129 Stat. 490, Section 7 (Sept. 24, 2015).

[3] See ICR Reference No. 201506–1652–003.

[4] *See* Public Law 107–71, 115 Stat. 597 (Nov. 19, 2001), codified at 49 U.S.C. 114(d). The TSA Administrator's current authorities under ATSA have been delegated to him by the Secretary of Homeland Security. Section 403(2) of the Homeland Security Act (HSA) of 2002, Public Law 107–296, 116 Stat. 2315 (2002), transferred all functions of TSA, including those of the Secretary of Transportation and the Under Secretary of Transportation of Security related to TSA, to the Secretary of Homeland Security. Pursuant to DHS Delegation Number 7060.2, the Secretary delegated to the Assistant Secretary (now referred to as the Administrator of TSA), subject to the Secretary's guidance and control, the authority vested in the Secretary with respect to TSA, including that in sec. 403(2) of the HSA.

Inspectors-Surface (TSIs–S) conduct BASE reviews during site visits with security and operating officials of MT/PR and HWY systems throughout the Nation. The TSIs-S receive and document relevant information using a standardized electronic checklist. Advance coordination and planning ensures the efficiency of the assessment process. The TSIs-S review and analyze the stakeholders' security plan, if adopted, and determine if the mitigation measures included in the plan are being effectively implemented, while providing additional resources for further security enhancement. In addition to examining the security plan document, TSA reviews one or more assets of the private and/or public owner/operator.

During BASE site visits of MT/PR and HWY entities, TSIs-S collect information and complete a BASE checklist from the review of each entity's documents, plans, and procedures. They also interview appropriate entity personnel and conduct system observations prompted by questions raised during the document review and interview stages. TSA conducts the interviews to ascertain and clarify information on security measures and to identify security gaps. The interviews also provide TSA with a method to encourage the surface transportation entities participating in the BASE reviews to be diligent in effecting and maintaining security-related improvements.

While TSA has not set a limit on the number of BASE program reviews to conduct, TSA estimates it will conduct approximately 40 MT/PR BASE reviews and approximately 50 HWY BASE reviews on an annual basis. TSA estimates that the hour burden per MT/PR entity to engage its security and/or operating officials with inspectors in the interactive BASE program review process is approximately 11.7 hours. Also, TSA estimates that the hour burden per HWY entity to engage its security and/or operating officials with inspectors in the interactive BASE program review process is approximately 1.8 hours. Thus, the total annual hour burden for the MT/PR BASE program review is 468 hours annually (40×11.7 hours = 468 hours) and for HWY BASE 90 hours annually (50×1.8 hours = 90 hours).

Dated: April 8, 2016.

Christina A. Walsh,

TSA Paperwork Reduction Act Officer, Office of Information Technology.

[FR Doc. 2016–08568 Filed 4–13–16; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5909–N–28]

30-Day Notice of Proposed Information Collection: Ginnie Mae Mortgage-Backed Securities Guide 5500.3, Revision 1 (Forms and Electronic Data Submissions)

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* May 16, 2016.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov*

FOR FURTHER INFORMATION CONTACT: Anna P. Guido, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Anna P. Guido at *Anna.P.Guido@hud.gov* or telephone 202–402–5533. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Guido.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on November 10, 2014 at 79 FR 66736.

A. Overview of Information Collection

Title of Information Collection: Ginnie Mae Mortgage-Backed Securities Guide 5500.3, Revision 1 (Forms and Electronic Data Submissions).

OMB Control Number: 2503–0033.

Type of Request: Revision of a currently approved collection.

Form Number: 11700, 11701, 11702, 11703–II, 11704, 11705, 11705H, 11706, 11706H, 11707, 11708, 11709, 11709–A, 11710A, 1710–B, 1710–C, 11710D, 117010DH, 11710E, 11711–A, 11711–B, 11714, 11714–SN, 11715, 11720, and 11732.

Description of the need for the information and proposed use: Due to the elimination of the application used for Fingerprint Enrollment used by Ginnie Mae issuers and document custodians to access the GinnieNET system, Ginnie Mae is revising our Appendix III–29 to include the following:

The name of the appendix will be changed to: Ginnie Mae Systems Access Appendix will have six (6) clearing defined sections. They are as follows:

Appendix III–29: Instructions: Incorporates language to make the Appendix applicable to Ginnie Mae's GinnieNET system as well as the Ginnie Mae GMEP system. It clarifies the relationship of the Appendix to Ginnie Mae form HUD 11708.

Appendix III–29 (A): Issuer Security Officer Registration: Incorporates language to make the Appendix applicable to Ginnie Mae's GinnieNET system as well as the Ginnie Mae GMEP system.

Appendix III–29 (B): User Registration for Issuer Only: Incorporates language to ensure the user acknowledgements and signed rules of behavior that encompass the use of the GinnieNET system. Adding a Ginnie NET section with two (2) check boxes to the following types of GinnieNET functions: GinnieNET RSA SecurID Token Holder and GinnieNET User.

Appendix III–29 (C): Custodian Security Officer Registration: Incorporates language to make the Appendix applicable to Ginnie Mae's GinnieNET system as well as the Ginnie Mae GMEP system.

Appendix III–29 (D): Custodian User Registration: Incorporates language to ensure the user acknowledgements and signed rules of behavior that encompass the use of the GinnieNET system. Adding a check box for GinnieNET SecurID Token Holder.

Appendix III–29 (E): RSA SecurID Token Request New form to be used by Ginnie Mae Issuers and Document Custodians to obtain the required RSA Token and identify user access

As a result of the revisions to Appendix III–29, Ginnie Mae will be eliminating the use of Appendix III–14 (Enrollment Administrator and GinnieNET Authorized Signatories.

With the implementation of Ginnie Mae's streamlined investor reporting under the revised Appendix VI–19, the

following appendices will be eliminated: Appendix VII–1 for MBS reporting and Appendix VII–2 for HMBS reporting. As part of this streamlined investor reporting process, in order to capture RFS exceptions listed in Appendix VI–19, Ginnie Mae has released Appendix VI–14 (Multifamily Prepayment Penalty Record File Layout and Appendix VI–16 (Quarterly Custodial Account Verification Record File Layout).

Due to the increase in the number of Ginnie Mae active issuers in our HMBS program, Ginnie Mae is now including Forms 11705H/11706H—Appendix III–28 (Schedule of Subscribers and Ginnie Mae Guaranty Agreement and Pool Participations—HMBS Pooling Import File Layout in our collection. This form combines both the 11705H and 11706H (Appendix III–28) into one import file layout.

The addition of the new sections Appendix III–29, additions of Appendix VI–14, Appendix IV–16, Appendix III–28 and the elimination of Appendix III–14, Appendix VII–1 and Appendix VII–2 is the reason for the change of burden hours.

The initially scheduled name change of Appendix III–13 from Electronic Data Interchanges System Agreement to Electronic Data Transfer Agreement and the addition of the phrase: Law of the District of Columbia in Section 4.7 will take place at a later date.

There are 20 forms and appendices in our collection which are volume driven rather than participant driven: These have increased as our portfolio has grown.

Included in the Guide are the appendices, forms, and documents necessary for Ginnie Mae to properly administer its MBS programs.

While most of the calculations are based on number of respondents multiplied by the frequency of response, there are several items whose calculations are based on volume.

Form	Appendix No.	Title	Number of respondents	Frequency of responses per year	Total annual responses	Hours per response	Total annual hours
11700	11–1	Letter of Transmittal	329.000	4	1,316.000	0.033	43.428
11701	1–1	Application for Approval Ginnie Mae Mortgage-Backed Securities Issuer.	100.000	1	100.000	3.000	300.000
11702	1–2	Resolution of Board of Directors and Certificate of Authorized Signatures.	454.000	1	454.000	0.800	363.200
11703–H	1–7	Master Agreement for Participation Accounting.	14.000	1	14.000	0.800	11.200
11704	11–2	Commitment to Guaranty Mortgage-Backed Securities.	329.000	4	1,316.000	0.033	43.428
11707	111–1	Master Servicing Agreement	468.000	1	468.000	0.033	15.444
11709	111–2	Master Agreement for Servicer's Principal and Interest Custodial Account.	468.000	1	468.000	0.033	15.444
11715	111–4	Master Custodial Agreement	468.000	1	468.000	0.033	15.444
11720	111–3	Master Agreement for Servicer's Escrow Custodial Account.	468.000	1	468.000	0.033	15.444
11732	111–22	Custodian's Certification for Construction Securities.	55.000	1	55.000	0.016	0.880
	IX–1	Financial Statements and Audit Reports.	468.000	1	468.000	1.000	468.000
		Mortgage Bankers Financial Reporting Form	315.000	4	1,260.000	0.500	630.000
11709–A	1–6	ACH Debit Authorization	468.000	1	468.000	0.033	15.444
11710 D	VI–5	Issuer's Monthly Summary Reports.	315.000	12	3,780.000	0.130	491.400
11710A, 1710B, 1710C &11710E.	VI–12	Issuer's Monthly Accounting Report and Liquidation Schedule.	315.000	1	315.000	0.130	40.950
11710–DH	VI–21	HMBS Issuer's Monthly Summary Report.	14.000	12	168.000	0.130	21.840
	111–13	Electronic Data Interchanges System.	100.000	1	100.000	1.000	100.000
	1–4	Cross Default Agreement	10.000	1	10.000	0.050	0.500
	VI–18	WHFIT Reporting	329.000	4	1,316.000	0.130	171.080
	111–29	Systems Access Forms	517.000	1	517.000	2.000	1,034.000
	VIII–1	Ginnie Mae Acknowledgement Agreement and Accompanying Documents Pledge of Servicing.	10.000	1	10.000	1.000	10.000
	VI–14	Multifamily Prepayment Penalty Record File Layout.	22.000	12	264.000	0.050	13.200
	VI–16	Quarterly Custodial Account Verification Record File Layout.	302.000	4	1,208.000	0.500	604.000

Form	Appendix No.	Title	Number of respondents	Frequency of responses per year	Total annual responses	Hours per response	Total annual hours
The burden for the items listed below is based on volume and/or number of requests.							
11705	111–6	Schedule of Subscribers and Ginnie Mae Guaranty Agreement.	3,500.000	12	42,000.000	0.050	2,100.000
11706	111–7	Schedule of Pooled Mortgages.	3,500.000	12	42,000.000	0.800	33,600.000
11705H & 11706H.	111–28	Schedule of Subscribers and Ginnie Mae Guaranty Agreement—HMBS Pooling—Import File Layout.	80.000	12	960.000	0.050	48.000
11708	V–5	Document Release Request	329.000	1	329.000	0.050	16.450
	VI–19	Monthly Pool and Loan Level Report (RFS).	400,000.000	12	4,800,000.000	0.500	2,400,000.000
	XI–6, XI–8, XI–9	Soldiers' and Sailors' Quarterly Reimbursement Request and SSCRA Loan Eligibility Information.	2,000.000	4	8,000.000	0.033	264.000
11711A & 11711B.	111–5	Release of Security Interest and Certification and Agreement.	678,000.000	1	678,000.000	0.050	33,900.00
11714 & 11714SN.	VI–10, VI–11	Issuer's Monthly Remittance Advice and Issuer's Monthly Serial Note Remittance Advice.	4,700.000	12	56,400.000	0.016	902.400
	VI–2	Letter for Loan Repurchase	50.000	12	600.000	0.033	19.800
	111–21	Certification Requirements for the Pooling of Multifamily Mature Loan Program.	298.000	1	298.000	0.050	14.900
	VI–9	Request for Reimbursement of Mortgage Insurance Claim Costs for Multifamily Loans.	21.000	1	21.000	0.250	5.250
	VIII–3	Assignment Agreements	67.000	1	67.000	0.130	8.710
	111–9	Authorization to Accept Facsimile Signed Correction Request Forms.	329.000	12	3,948.000	0.016	63.168
	VI–17	HMBS Issuer Specification for MBSAA.	3,200.000	12	38,400.000	0.130	4,992.000
Total				Varies	48,886,034	Varies	24,080,359

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: April 8, 2016.

Anna P. Guido,

Department Paperwork Reduction Act Officer, Office of the Chief Information Officer.

[FR Doc. 2016–08623 Filed 4–13–16; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5900–FA–02]

Announcement of Funding Awards; Indian Community Development Block Grant Program Fiscal Year 2015

AGENCY: Office of Native American Programs, Office of Public and Indian Housing, HUD

ACTION: Announcement of funding awards.

SUMMARY: In accordance with Section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this announcement notifies the public of decisions made by the Department in two competitions in Fiscal Year 2015 (FY 2015) pursuant to two Notices of Funding Availability for the Indian Community Development Block Grant (ICDBG) program. This

announcement contains the consolidated names and addresses of this year's award recipients under both competitions.

FOR FURTHER INFORMATION CONTACT: For questions concerning the awards, contact the Area Office of Native American Programs (ONAP) serving the area in which the project is located. The names and addresses can be found at *http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/ih/codetalk/onap/map/nationalmap*. Hearing or speech-impaired individuals may access this number via TTY by calling the toll-free Federal Information Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: The ICDBG program provides grants to Indian tribes and Alaska Native Villages to develop viable Indian and Alaska Native communities, including the creation of decent housing, suitable living environments, and economic opportunities primarily for persons with low and moderate incomes as defined in 24 CFR 1003.4. For FY 2015, Congress established a set aside of funds specifically for the remediation and prevention of mold in tribal housing.

The FY 2015 awards announced in this Notice were selected for funding in competitions posted on HUD's Web site on April 16, 2015, and August 28, 2015, respectively. Applications were scored and selected for funding based on the selection criteria in those notices.

The amount appropriated for ICDBG mold remediation and prevention in FY 2015, was $6,000,000. Combined with $6,400,000 in mold remediation and prevention funds carried over from FY 2014, $12,400,000 made available for mold remediation and prevention in FY 2015.

Congress appropriated $60,000,000 for the ICDBG program in FY 2015. Of the amount appropriated, $3,960,000 was retained to fund non-competitive ICDBG imminent threat grants. Combined with $2,816,810 in funds carried over from FY 2014, the allocations for the Area ONAP geographic jurisdictions for all types of ICDBG-eligible activities were:

Eastern/Woodlands	$4,648,764
Southern Plains	13,989,642
Northern Plains	8,842,084
Southwest	20,912,558
Northwest	3,188,032
Alaska	7,275,730
Total	58,856,810

In accordance with Section 102 (a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (103 Stat.1987, 42 U.S.C. 3545), the Department is publishing the names, addresses, and amounts of the 18 awards made specifically for mold remediation and prevention in Appendix A and the 75 awards made for all types of ICDBG activities in Appendix B to this document.

Dated: April 5, 2016.

Lourdes Castro Ramírez,

Principal Deputy Assistant Secretary for Public and Indian Housing.

Appendix A—Awards for Mold Remediation and Prevention

Name/address of applicant	Amount funded	Activity funded	Number of units
Aroostook Band of Micmac Indians, Honorable Edward Peter Paul, #7 Northern Road, Presque Isle, ME 04769, (207) 764–7765.	$605,000	HR	26
Blackfeet Housing Authority, Chancy Kittson, Executive Director, P.O. Box 449, Browning, MT 59417–0449, (406) 338–5031.	800,000	HR	16
Colville Indian Housing Authority, Brook Kristovich, P.O. Box 528, Nespelem, WA 99155, (509) 634–2162.	486,827	HR	180
Cook Inlet Tribal Council, Gloria O'Neill, President/CEO, 3600 San Jeronimo, Anchorage, AK 99508–2869, (907) 793–3401.	800,000	HR	144
Craig Tribal Association, Clinton Cook, Tribal President, P.O. Box 828, Craig, AK 99921–0828, (907) 826–3996.	553,150	HR	13
Keweenaw Bay Indian Community, Honorable Warren C. Swartz Jr., 16429 Beartown Rd., Baraga, MI 49908, (906) 353–6623.	800,000	HR	146
Lac Courte Oreilles Band of Lake Superior Chippewa, Honorable Michael Isham Jr., 13394 W. Trepania Rd., Hayward, WI 54843, (715) 634–8934.	800,000	HR	53
Oglala Sioux (Lakota) Housing Authority, Paul Iron Cloud, CEO, P.O. Box 603, 4 SuAnne Center Dr., Pine Ridge, SD 57770–0603, (605) 867–5161.	800,000	HR	150
Ohkay Owingeh Housing Authority, Tomasita Duran, Executive Director, P.O. Box 1059, Ohkay Owingeh, NM 87566–1059, (505) 852–0189.	798,787	HR	65
Pascua Yaqui Tribe, Peter Yucupicio, Chairperson, 7474 South Camino de Oeste, Tucson, AZ 85757, (520) 883–5000.	800,000	HR	40
San Felipe Pueblo Housing Authority, Isaac Perez, Executive Director, P.O. Box 4222, San Felipe Pueblo, NM 87001–4222, (505) 771–9291.	394,379	HR	15
Spirit Lake Housing Corporation, Deborah LaVallie, Executive Director, P.O. Box 187, Fort Totten, ND 58335–0187, (701) 766–4131.	800,000	HR	20
Tohono O'odham Ki:Ki Association, Chester P. (Pete) Delgado, Executive Director, P.O. Box 790, Sells, AZ 85634–0790, (520) 383–2202.	800,000	HR	10
Tonkawa Tribe, President Russell L. Martin, 1 Rush Buffalo Road, Tonkawa, OK 74653, (580) 628–2561.	658,858	HR	53
Utu Utu Gwaitu Benton Paiute Tribe, Billie Saulque, Chairperson, 25669 Hwy 6, PMB 1, Benton, CA 93512, (760) 933–2321.	800,000	HR	12
White Earth Reservation Housing Authority, Honorable Steven Clark, P.O. Box 418, White Earth, MN 56591, (218) 983–3285.	600,000	HR	21
Yakutat Tlingit Tribe, Victoria Demmert, Tribal President, P.O. Box 418, Yakutat, AK 99689–0418, (907) 780–6868.	300,000	HR	20
Yankton Sioux Tribal Housing Authority, Galicia Drapeau, Executive Director, 410 South Main, Wagner, SD 57380–9663, (605) 384–5907.	800,000	HR	18

APPENDIX B—AWARDS FOR ALL ICDBG ACTIVITIES

Name/address of applicant	Amount funded	Activity funded	Project description
Agdaagux Tribe of King Cove, Etta Kuzakin, President, P.O. Box 249, King Cove, AK 99612–0001, (907) 497–2648.	$75,000	PFC	Renovation of a rehabilitation center.
Akwesasne Housing Authority, Retha Herne, 378 State Rd 37, Hogansburg, NY 13655, (518) 358–9020.	600,000	HR	Housing rehabilitation project that will provide solar generated power to the Sunrise Acres housing complex.
Alabama-Coushatta Tribe, JoAnn Battise, Chairman, 571 State Park Road 56, Livingston, TX 77351, (936) 563–1100.	558,991	HR	Rehabilitation of 30 homes.
Angoon Community Association, Wally Frank, Sr., President, P.O. Box 328, Angoon, AK 99820–0328, (907) 788–3412.	600,000	HR	Remediation of mold on 24 single family housing units.
Aroostook Band of Micmac Indians, Honorable Edward Peter Paul, #7 Northern Road, Presque Isle, ME 04769, (207) 764–7765.	600,000	HC	Construction of a four unit elderly housing complex.
Beaver Village, Rhonda Pitka, First Chief, P.O. Box 24029, Beaver, AK 99724–4029, (907) 628–6126.	527,595	HC	Construction for one two-bedroom duplex (2 units).
Blackfeet Housing Authority, Chancy Kittson, Executive Director, P.O. Box 449, Browning, MT 59417–0449, (406) 338–5031.	1,100,000	HR	Rehabilitation of 29 conveyed mutual help housing units.
Cherokee Nation, Bill John Baker, Principal Chief, P.O. Box 948, Tahlequah, OK 74465, (918) 456–0671.	800,000	HR	Rehabilitation of approximately 40 housing units for the elderly and elderly-handicapped.
Chickasaw Nation, Bill Anoatubby, Governor, P.O. Box 1548, Ada, OK 74821, (580) 436–2603.	800,000	PF	New construction of a Head Start Center.
Choctaw Nation, Gary Batton, Chief, P.O. Drawer 1210, Durant, OK 74702, (580) 924–8280.	800,000	PFI	Infrastructure on three projects; constructing roads and installation of water and sewer.
Circle Native Community (Tanana Chiefs Conference), Victor Joseph, President, 122 First Avenue, Suite 600, Fairbanks, AK 99701–4871, (907) 452–8251.	600,000	PFC	Construction of a new energy efficient health clinic.
Citizen Potawatomi Nation, John A. Barrett, Chairman, 1601 South Gordon Cooper Drive, Shawnee, OK 74801, (405) 275–3121.	800,000	MI	Microenterprise program to provide 10 Native American-owned businesses to create 20 jobs and retain 20 jobs.
Cocopah Indian Housing and Development, Raymond Robles, Executive Director, 10488 Steamboat Street, Somerton, AZ 85350, (928) 627–8863.	374,002	HC and HR	New construction of one home and rehabilitation of two homes.
Coeur d'Alene Tribal Housing Authority, Rosanna Allen, P.O. Box 267, Plummer, ID 83851, (208) 686–1927.	500,000	HC	Construction of a six unit apartment building for low income residents.
Colorado River Indian Tribe, Dennis Patch, Chairman, 26600 Mohave Road, Parker, AZ 85344, (928) 669–9211.	825,000	PFS	Construction of a Fire Safety Substation.
Comanche Nation Housing Authority, Nora Sovo, Deputy Director, P.O. Box 1671, Lawton, OK 73502, (580) 357–4956.	800,000	HR	Rehabilitation of 26 single-family homes on scattered sites.
Confederated Tribes of the Grand Ronde Community of Oregon, Kim Rogers, 9615 Grand Ronde Road, Grand Ronde, OR 97347, (503) 879–2250.	208,032	PFS	Design and construction of a preschool addition.
Craig Tribal Association, Clinton Cook, Tribal President, P.O. Box 828, Craig, AK 99921–0828, (907) 826–3996.	600,000	PFI	Infrastructure for water, sewer and utility lines for a new housing subdivision for seven lots.
Eastern Shoshone Housing Authority, Joseph E. Sazue, Jr., Executive Director, P.O. Box 1250, Fort Washakie, WY 82514–1250, (307) 332–5832.	842,084	HR	To conduct moderate interior replacements and extensive exterior rehabilitation to 116 housing units.
Elk Valley Rancheria, Dale Miller, Chairperson, 2332 Howland Hill Road, Cresent City, CA 95531, (707) 994–4680.	605,000	PFS	Rehabilitation of a fire station and purchase of fire equipment.
Fort Hall Housing Authority, Lorraine Shay, 161 Wardance Circle, Pocatello, ID 83202, (208) 237–1174.	480,000	HR	Rehabilitation of a 32 year old 19-unit housing complex for elderly and handicapped tribal members.
Fort Sill Apache Tribe, Jeff Haozous, Chairman, 43187 US Highway 281, Apache, OK 73006, (580) 588–2298.	800,000	ED	Construction of a convenience store and gas station.
Hannahville Indian Community, Kenneth Mishigaud, N14911 Hannahville B1 Road, Wilson, MI 49896, (906) 723–2625.	600,000	PFI	Expansion of a wastewater facility.
Ho Chunk Nation (HHCDA), Neil Whitegill, 1102 E. Monowau St., Tomah, WI 54660, (608) 374–1245.	600,000	PF	Development of a new Head Start facility.
Houlton Band of Maliseet, Brenda Commander, 88 Bell Road, Houlton, ME 04730, (207) 532–4273.	600,000	PFI	Renovation and construction of a daycare center.
Hughes Village, Wilmer Beetus, First Chief, P.O. Box 45029, Hughes, AK 99745, (907) 889–2239.	198,750	PFC	Rehabilitation of an old two-story clinic.
Iowa Tribe of Oklahoma, Bobby Walkup, Chairman, 335588 E. 750 Rd, Perkins, OK 74059, (405) 547–2402.	250,857	PFI	Construction of a new well and water storage system.
Isleta Pueblo Housing Authority, Allen Zuni, Executive Director, P.O. Box 760, Isleta, NM 87022, (505) 869–4153.	825,000	HC	Construction of seven single-family homes on scattered sites.
Jicarrilla Apache Housing Authority, Lisa Manwell, Executive Director, P.O. Box 486, Dulce, NM 87528, (575) 759–3415.	825,000	HC	Construction of six single family homes.

APPENDIX B—AWARDS FOR ALL ICDBG ACTIVITIES—Continued

Name/address of applicant	Amount funded	Activity funded	Project description
Kalispel Tribe, Sev Jones, 1981 N. Leclerc Rd., Cusick, WA 99180, (509) 447–7230.	500,000	HC	Construction of two, three bedroom single-family homes.
Kickapoo Traditional Tribe of Texas, Estavio Elizondo, Tribal Chairman, 2212 Rosita Valley Rd., Eagle Pass, TX 78852, (830) 773–1209.	800,000	PFC	Construction of a daycare and head start center and eventually an elementary and secondary school will be added.
Knik Tribe, Mike Tucker, President, P.O. Box 871565, Wasilla, AK 99645–9538, (907) 373–7960.	600,000	HA	Acquisition of three new standard housing duplexes, containing six units.
Lac du Flambeau Band of Lake Superior Chippewa, Butch St. Germaine, 418 Little Pines Road, Lac du Flambeau, WI 54538, (715) 588–3803.	600,000	PF	Construction of a Cultural Center.
Lummi Nation Housing Authority, Diana Phair, 2828 Kwina Road, Bellingham, WA 98226, (360) 312–8407.	500,000	HR	Rehabilitation of approximately 50 housing units at three separate projects.
Manokotak Village, Tessa Nickerson, President, P.O. Box 169, Manokotak, AK 99576–0169, (907) 289–2067.	87,250	HR	Rehabilitation of 11 low-income multi-family units.
Modoc Tribe, Bill G. Follis, Chief, 418 G SE Street, Miami, OK 74354, (918) 542–1190.	800,000	PFI	Construction of an elevated storage tank, water and wastewater lines, access roads and electric utility lines.
Muckleshoot Housing Authority, Ama Tuato'o, 38037 158th Ave. SE, Auburn, WA 98092, (253) 876–2862.	500,000	HR	Rehabilitation of 10 housing units.
Native Village of Belkofski, Delores Kochuten, President, P.O. Box 57, King Cove, AK 99612–0001, (907) 497–3122.	75,000	PFC	Rehabilitation of an existing underutilized Senior Center.
Native Village of Chenega, Shelly Wade, Executive Director, P.O. Box 8079, Chenega Bay, AK 99574–8079, (907) 242–5326.	600,000	PFC	Construction of a new community service center.
Native Village of Minto, Carla Dick, First Chief, P.O. Box 26, Minto, AK 99758, (907) 798–7112.	600,000	HC	Construction of a one-bedroom fourplex (4 units) for senior households.
Native Village of Tanana, Curtis Sommer, Tribal Chairman, P.O. Box 77130, Tanana, AK 99777, (907) 366–7170.	600,000	HC	Construction of two two-bedroom duplexes (four units).
Navajo Nation, Russell Begaye, President, P.O. Box 7440, Window Rock, AZ 86515, (928) 871–6352.	4,121,557	PFI	Extension of power lines and waterlines to six regional Chapters.
New Koliganek Village Council, Herman Nelson, President, P.O. Box 5057, Koliganek, AK 99576–5057, (907) 596–3434.	600,000	HR	Rehabilitation of approximately 18 single family homes.
Nondalton Village, William Evanoff, President, P.O. Box 49, Nondalton, AK 99640–0049, (907) 294–2257.	312,135	HR	Rehabilitation of four single-family homes.
Northern Cheyenne Tribal Housing Authority, Lafe Haugen, Executive Director, P.O. Box 327, Lame Deer, MT 59043–0327, (406) 477–6419.	900,000	HR	Rehabilitation of 27 homes.
Northern Circle Housing Authority, Darlene Tooley, Executive Director, 694 Pinoleville Drive, Ukiah, CA 95482, (707) 468–1336.	605,000	HR	Rehabilitation of 21 homes.
Northern Ponca Housing Authority, Joel (Joey) Nathan, Executive Director, 1501 Michigan Avenue, Norfolk, NE 68701–5602, (402) 379–8224.	1,100,000	HR	Rehabilitation of 93 rental housing units.
Oglala Sioux (Lakota) Housing Authority, Paul Iron Cloud, CEO, P.O. Box 603, 4 SuAnne Center Dr., Pine Ridge, SD 57770–0603, (605) 867–5161.	1,100,000	HR	Rehabilitation of 61 exteriors, 139 roofs and 21 units for meth remediation.
Organized Village of Grayling, Ivan Demientieff, First Chief, P.O. Box 49, Grayling, AK 99590–0049, (907) 453–5116.	600,000	HC	Construction of one three-bedroom and one four-bedroom single family units.
Organized Village of Kake, Casimero Aceveda, Jr., President, P.O. Box 316, Kake, AK 99830–0316, (907) 780–3158.	600,000	HR	Mold remediation and prevention in approximately 20 homes.
Osage Nation, Geoffrey Standing Bear, Principal Chief, P.O. Box 779, Pawhuska, OK 74056, (918) 287–5434.	800,000	PF	Construction of a new fitness and wellness center.
Otoe-Missouria Tribe, John R. Shotton, Tribal Chairman, 8151 Highway 177, Red Rock, OK 74651, (580) 723–4466.	799,998	PFC	New Public-Facilities Wellness Center.
Ottawa Tribe of Oklahoma, Ethel E. Cook, Chief, P.O. Box 110, Miami, OK 74355, (918) 540–1536.	800,000	HR	Weatherization energy efficiency improvements on 24 homes.
Pawnee Nation, W. Bruce Pratt, Interim President, P.O. Box 470, Pawnee, OK 74058, (918) 762–3621.	800,000	PF	Construction of a new health center.
Peoria Tribe Housing Authority, Jason Dollarhide, Executive Director, Peoria Tribe of Indians HA of Oklahoma, 3606 Sencay Avenue, Miami, OK 74354, (918) 542–1873.	800,000	HR and PF	Renovation of housing units—storm shelters, upgraded Wi-Fi, playgrounds for youth exercise.
Pinoleville Rancheria of Pomo Indians, Leona Williams, Chairperson, 500–B Pinoleville Drive, Ukiah, CA 95482, (707) 463–1454.	605,000	PFC	Construction of a youth wellness and education center.
Prairie Band Potawatomi Nation, Liana Onnen, Tribal Chairperson,16281 Q Road, Mayetta, KS 66509, (785) 966–4007.	799,632	PF	Construction of a Language and Cultural Learning Center.
Pueblo of Acoma Housing Authority, Floyd Tortalita, Executive Director, P.O. Box 620, Acoma Pueblo, NM 87034, (505) 552–7528.	825,000	HC	Lease of four new homes for qualified buyers living in overcrowded conditions.

APPENDIX B—AWARDS FOR ALL ICDBG ACTIVITIES—Continued

Name/address of applicant	Amount funded	Activity funded	Project description
Quapaw Tribe of Oklahoma, John Berrey, Chairman, P.O. Box 765, Quapaw, OK 74363, (918) 542–1853.	800,000	ED	Construction of a cattle processing plant.
Red Cliff Band of Lake Superior Chippewa, Bryan Bainbridge, 88385 Pike Road, Bayfield, WI 54814, (715) 779–3734.	448,764	HR	Installation of 1,300 linear feet of potable water line and 1,150 linear feet of sewer line to support a twenty-four housing units project.
Robinson Rancheria, Eddie Crandall, Chairman, P.O. Box 428, Nice, CA 95464, (707) 275–0527.	605,000	PFI	Infrastructure on 12 sites for single-family homes.
Salish-Kootenai Housing Authority, Jason Adams, Executive Director, P.O. Box 38, Pablo, MT 59855–0038, (406) 675–4491.	1,100,000	HR and PFI	Rehabilitation of 20 homes and a new well for connection to 39 home sites.
Seminole Nation, Leonard Harjo, Principal Chief, P.O. Box 1498, Wewoka, OK 74884, (405) 257–6287.	800,000	PF	Construction of the Seminole Nation Veterans Affairs Department.
Sokaogon Chippewa Community, Chris McGeshick, 3051 Sand Lake Road, Crandon, WI 54520, (715) 478–7500.	600,000	HR	Installation of solar facilities on 56 housing units and a tribal elder apartment building.
Spirit Lake Tribe, Myra Pearson, Chairperson, P.O. Box 359, Fort Totten, ND 58335–0359, (701) 766–4221.	900,000	HR	Rehabilitation of 20 owner-occupied housing units on scattered sites.
Tejon Tribe, Kathryn Montes Morgan, Chairperson, 1731 Hasti Acres Ste 108, Bakersfeild, CA 93309, (661) 834–8566.	605,000	PFC	Conversion of a public building into a new community center.
Tohono O'odham Ki:Ki Association, Chester P. (Pete) Delgado, Executive Director, P.O. Box 790, Sells, AZ 85634–0790, (520) 383–2202.	2,750,000	HC	Construction of 15 new single family homes.
Tolowa Dee-ni Nation, Loren Bommelyn, Chairperson, 140 Rowdy Creek Road, Smith River, CA 95567, (707) 487–9255.	576,999	PFI	To complete the Prince Island Court Wastewater Infrastructure.
Utah Paiute Housing Authority, James Emery, Executive Director, 565 North, 100 East, Cedar City, UT 84721–6156, (435) 586–1122.	900,000	HR	Rehabilitation of 16 housing units, replacement of roofs on 20 units and installation of security fencing on 10 units.
Ute Mountain Ute Housing Authority, Joann Lemmon, Executive Director, P.O. Box EE, Towaoc, CO 81334–0088, (970) 565–4283.	900,000	PFI	Construct water and sewer infrastructure and roads in preparation of 30 homes in a new housing development.
Utu Utu Gwaitu Benton Paiute Tribe, Billie Soulque, Chairperson, 25669 Hwy 6, PMB 1, Benton, CA 93512, (760) 933–2321.	605,000	HR	Rehabilitation of 12 substandard single-family housing units.
Warm Springs Housing Authority, Scott Moses, P.O. Box 1167, Warm Springs, OR 97761, (541) 553–3250.	500,000	HR	Rehabilitation of seven senior rental apartments and ten low-rent duplexes.
Wiyot Tribe, Ted Hernandez, Chairperson, 1000 Wiyot Drive, Loleta, CA 95551, (707) 733–5055.	605,000	HC	Construction of four new housing units.
Wyandotte Nation, Billy Friend, Chief, 64700 E Highway 60, Wyandotte, OK 74370, (918) 678–2297.	380,164	HR	Rehabilitation of 19 homes.
Zuni Housing Authority, Michael Chavez, Executive Director, P.O. Box 710, Zuni Pueblo, NM 87024, (505) 782–4564.	2,200,000	HR	Rehabilitation of 35 owner-occupied housing units on scattered sites.

[FR Doc. 2016–08564 Filed 4–13–16; 8:45 am]
BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5909–N–26]

30-Day Notice of Proposed Information Collection: Debt Resolution Program

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* May 16, 2016.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on November 6, 2015 at 80 FR 68872.

A. Overview of Information Collection

Title of Information Collection: Debt Resolution Program.

OMB Approval Number: 2502–0483.

Type of Request: Extension of currently approved collection.

Form Number: HUD–56141, HUD–56142 and HUD–56146.

Description of the need for the information and proposed use: HUD is required to collect debt owed to the agency. As part of the collection process, demand for repayment is made on the debtor(s). In response, debtors opt to ignore the debt, pay the debt or dispute the debt. Disputes and offers to repay the debt result in information collections. Borrowers who wish to pay the debt in installments must sign a written Repayment Agreement (HUD–56146). Borrowers who wish to pay less than the full amount due must submit a Personal Financial Statement (HUD–56142) and Settlement Offer (HUD–56141). HUD uses the information to analyze debtors' financial positions and then approve settlements and repayment agreements. Borrowers who wish to dispute must provide information to support their position.

Respondents: Individuals and household.

Estimated Number of Respondents: 650.

Estimated Number of Responses: 2101.

Frequency of Response: On occasion.

Average Hours per Response: One hour.

Total Estimated Burdens: 641.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Date: April 6, 2016.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2016–08531 Filed 4–13–16; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5913–N–08]

60-Day Notice of Proposed Information Collection: Comment Collection for Single Family Premium Collection Subsystem-Upfront (SFPCS–U)

AGENCY: Office of the Assistant Secretary for Housing–Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* June 13, 2016.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Natalia Yee, Director, Single Family Insurance Operations Division, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410, telephone (202) 402–3506; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Single Family Insurance Premium Collection Subsystem-Upfront (Lender Assistance).

OMB Approval Number: 2502–0423.

Type of Request: Revision.

Form Number: None.

Description of the need for the information and proposed use: To continue to collect MIP information and improve customer service and FHA lender portfolio management capabilities.

Respondents: Business or other for profit.

Estimated Number of Respondents: 2,711.

Estimated Number of Responses: 7534.

Frequency of Response: 12 hour.

Average Hours per Response: .15 hours.

Total Estimated Burdens: 4880 hours.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: April 5, 2016.

Janet M. Golrick,

Associate General Deputy Assistant Secretary for Housing Associate Deputy Federal Housing Commissioner.

[FR Doc. 2016–08527 Filed 4–13–16; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5910–N–05]

60-Day Notice of Proposed Information Collection: HUD-Administered Small Cities Program Performance Assessment Report

AGENCY: Office of Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* June 13, 2016.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4186, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: James Höemann, Deputy Director, State and Small Cities Division, Office of Block Grant Assistance, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email James Höemann at *james.e.höemann@hud.gov* or telephone at (202) 402–5716. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: HUD-Administered Small Cities Program Performance. Assessment Report.

OMB Approval Number: 2506–0020.

Type of Request: Extension of currently approved collection.

Form Number: HUD–4052.

Description of the need for the information and proposed use: The information collected from grant recipients participating in the HUD-administered CDBG program provides HUD with financial and physical development status of each activity funded. These reports are used to determine grant recipient performance.

Respondents (*i.e.* affected public): This information collection applies solely to local governments in New York State that have HUD-administered CDBG grants that remain open or continue to generate program income.

Estimated Number of Respondents: 40.

Estimated Number of Responses: 40.

Frequency of Response: Annually.

Average Hours per Response: 4.

Total Estimated Burdens: 160.

Note: Preparer of this notice may substitute the chart for everything beginning with estimated number of respondents above:

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
2506–0020	40	annually	1	4	160	0	0
Total							

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: April 6, 2016.

Harriet Tregoning,

Principal Deputy Assistant Secretary for Community Planning and Development.

[FR Doc. 2016–08563 Filed 4–13–16; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5909–N–25]

30-Day Notice of Proposed Information Collection: Housing Counseling Program

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* May 16, 2016.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Colette Pollard at *Colette.Pollard@*

hud.gov or telephone 202–402–3400. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on November 30, 2015 at 74790.

A. Overview of Information Collection

Title of Information Collection: Housing Counseling Program.

OMB Approval Number: 2502–0261.

Type of Request: Extension of currently approved collection.

Form Number: SF–424, SF–424Suppl, SF–424CB, SF–LLL, HUD–27300, HUD–2880, HUD–2990, HUD–2991, HUD–2994, JUD–96010, HUD–9902, HUD–9910.

Description of the need for the information and proposed use: Housing Counseling organizations submit information to HUD through Grants.gov when applying for grant funds to provide housing counseling assistance to eligible homebuyers to find and purchase affordable housing. Housing Counseling organizations also use grant funds to assist renters to avoid evictions; help the homeless find temporary or permanent shelter; report fair housing and discrimination. HUD uses the information collected to evaluate applicants competitively and then select qualified organizations to receive funding that supplement their housing counseling program. Post-award collection, such as quarterly reports, will all HUD to evaluate grantees' performance. This collection of information includes renewal of various HUD forms, including the HUD–9000 which is the Housing Counseling Approval Application, and form HUD–9902, Housing Counseling Agency Activity Report. Additionally, it covers the collection of client level activities, client financial leverage data, and agency profile information.

Respondents: Not-for-profit institutions.

Estimated Number of Respondents: 2,873.

Estimated Number of Responses: 17,384.

Frequency of Response: On occasion.

Average Hours per Response: 15.

Total Estimated Burdens: 16,625.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: April 6, 2016.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2016–08540 Filed 4–13–16; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5909–N–24]

30-Day Notice of Proposed Information Collection: Manufactured Home Construction and Safety Standards Program

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* May 16, 2016.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on November 18, 2015 at 80 FR 72096.

A. Overview of Information Collection

Title of Information Collection: Manufactured Home Construction and Safety Standards Program.

OMB Approval Number: 2502–0233.

Type of Request: Extension of currently approved collection.

Form Number: HUD–101, HUD–203, HUD–203B, HUD–301, HUD–302, HUD–303, and HUD–304.

Description of the need for the information and proposed use: Collection of this information will result in a better determination of reporting how Primary Inspection Agencies and manufacturers request certification labels, track payments, track production, refund monies, and report missing or damaged labels to the Department or its monitoring contractor. HUD form-302, HUD Manufactured Home Monthly Production Report, is used by manufacturers to provide information to account for the shipment of homes and the calculation of monthly payments to the state agencies as required. 100% of respondents are private businesses. HUD form-302 incorporate changes to the reporting information by manufacturers in order to be compliant with HUD's On-Site Rule Completion of Construction of Manufactured Homes rule.

Respondents (*i.e.* affected public): Business or other for-profit.

Estimated Number of Respondents: 176.

Estimated Number of Responses: 5,622.

Frequency of Response: On occasion.
Average Hours per Response: 6.5.
Total Estimated Burdens: 2,811.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: April 6, 2016.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2016–08541 Filed 4–13–16; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5173–C–09]

Affirmatively Furthering Fair Housing Assessment Tool for Public Housing Agencies Solicitation of Comment—60-Day Notice Under Paperwork Reduction Act of 1995; Correction

AGENCY: Office of the General Counsel, HUD.

ACTION: Notice, correction.

SUMMARY: On March 23, 2016, HUD published its 60-day notice in accordance with the Paperwork Reduction Act of 1995 for its Affirmatively Furthering Fair Housing Assessment Tool for Public Housing Agencies. In Section III of the notice, HUD inadvertently referred to the applicable assessment tool as the Assessment Tool for States and Insular Areas. This notice acknowledges the error in the notice, advises that HUD meant to reference the Assessment for Public Housing Agencies, and corrects this error.

FOR FURTHER INFORMATION CONTACT: Dustin Parks, Office of Fair Housing and Equal Opportunity, Department of Housing and Urban Development, 451 7th Street SW., Room 5249, Washington, DC 20410–0500; telephone number 202–708–1112 (this is not a toll-free number). Hearing- and speech-impaired persons can access this number through TTY by calling the Federal Relay Service at 800–877–8339 (this is a toll-free number).

SUPPLEMENTARY INFORMATION: On March 23, 2016, at 81 FR 15549, HUD published its notice soliciting comment for a period of 60-days, as required by the Paperwork Reduction Act, on its Affirmatively Furthering Fair Housing Assessment Tool for Public Housing Agencies (PHA Assessment Tool). This is the assessment tool to be used by public housing agencies (PHAs) in evaluating fair housing choice and access to opportunity in their jurisdictions, to identify barriers to fair housing choice and opportunity at the local and regional levels, and to set fair housing goals to overcome such barriers and advance fair housing choice. The PHA Assessment Tool is one of three assessment tools for which HUD has published notices for 60-day public comment. The other two assessment tools are the State and Insular Area Assessment Tool (81 FR 12921, published March 11, 2016) and the Local Government Assessment Tool (81 FR 15546, published March 23, 2016).

In Section III of the notice, at 81 FR 15553, third column, HUD inadvertently referred to the applicable assessment tool as the State and Insular Area Assessment Tool. HUD intended the reference to be the PHA Assessment Tool. This notice acknowledges the error, advises that HUD meant to reference the PHA Assessment Tool, and corrects this error.

Correction

In the **Federal Register** of March 23, 2016, in FR Doc. 2016–06492, on page 15553, third column, correct the second paragraph of section III entitled, Compliance With the Paperwork Reduction Act, to read:

The public reporting burden for the proposed PHA Assessment Tool is estimated to include the time for reviewing the instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Dated: April 8, 2016

Aaron Santa Anna,

Assistant General Counsel for Regulations.

[FR Doc. 2016–08565 Filed 4–13–16; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5909–N–27]

30-Day Notice of Proposed Information Collection: Revitalization Area Designation and Management

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* May 16, 2016.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on November 30, 2015 at 80 FR 74791.

A. Overview of Information Collection

Title of Information Collection: Revitalization Area Designation and Management.

OMB Approval Number: 2502–0566.

Type of Request: Extension of currently approved collection.

Form Number: None.

Description of the need for the information and proposed use: The Department accepts request from local governments or interested nonprofit organizations to designate specified geographic areas as revitalization areas. A request must describe the nominated area in terms of census block groups.

Respondents: State, Local or Tribal Government.

Estimated Number of Respondents: 42.

Estimated Number of Responses: 12.

Frequency of Response: On occasion

Average Hours per Response: 2.

Total Estimated Burdens: 84.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: April 6, 2016.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2016–08528 Filed 4–13–16; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Office of Natural Resources Revenue

[Docket No. ONRR–2011–0001; DS63610000 DR2PS0000.CH7000 167D0102R2]

Agency Information Collection Activities: Solid Minerals and Geothermal Collections—OMB Control Number 1012–0010; Comment Request

AGENCY: Office of Natural Resources Revenue (ONRR), Interior.

ACTION: Notice of extension.

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), ONRR is inviting comments on a collection of information requests that we will submit to the Office of Management and Budget (OMB) for review and approval. This Information Collection Request (ICR) covers the paperwork requirements in the regulations under title 30, *Code of Federal Regulations* (CFR), parts 1202, 1206, 1210, 1212, 1217, and 1218. Also, there are four forms associated with this information collection.

DATES: Submit written comments on or before June 13, 2016 in order to assure consideration.

ADDRESSES: You may submit comments on this ICR to ONRR by using one of the following three methods (please reference "ICR 1012–0010" in your comments):

1. Electronically go to *http://www.regulations.gov.* In the entry titled "Enter Keyword or ID," enter "ONRR–2011–0001" and then click "Search." Follow the instructions to submit public comments. ONRR will post all comments.

2. Email comments to Mr. Luis Aguilar, Regulatory Specialist, at *luis.aguilar@onrr.gov.*

3. Hand-carry or mail comments, using an overnight courier service, to ONRR. Our courier address is Building 85, Room A–614, Denver Federal Center, West 6th Ave. and Kipling St., Denver, Colorado 80225.

FOR FURTHER INFORMATION CONTACT: For any questions, contact Mr. Luis Aguilar, telephone (303) 231–3418, or email at *Luis.Aguilar@onrr.gov.* You may also contact Mr. Aguilar to obtain copies, at no cost, of (1) the ICR, (2) any associated forms, and (3) the regulations that require us to collect the information.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Secretary of the United States Department of the Interior is responsible for mineral resource development on Federal and Indian lands and the Outer Continental Shelf (OCS). The Secretary's responsibility, according to various laws, is to manage mineral resource production from Federal and Indian lands and the OCS, collect the royalties and other mineral revenues due, and distribute the funds collected under those laws. We have posted those laws pertaining to mineral leases on Federal and Indian lands and the OCS at *http://www.onrr.gov/Laws_R_D/PubLaws/default.htm.*

The Secretary also has a trust responsibility to manage Indian lands and seek advice and information from Indian beneficiaries. ONRR performs the minerals revenue management functions for the Secretary and assists the Secretary in carrying out the Department's trust responsibility for Indian lands.

You can find the information collections covered in this ICR at 30 CFR parts:

- 1202, subpart H, which pertains to geothermal resources royalties.
- 1206, subparts F, H, and J, which pertain to product valuation of Federal coal, geothermal resources, and Indian coal.
- 1210, subparts E and H, which pertain to production and royalty reports on solid minerals and geothermal resources leases.
- 1212, subparts E and H, which pertain to recordkeeping of reports and files for solid minerals and geothermal resources leases.
- 1217, subparts E and H, which pertain to audits and inspections of coal, other solid minerals, and geothermal resources leases.
- 1218, subparts E and F, which pertain to royalty, rental, bonuses, and other monies payment for solid minerals and geothermal resources.

All data reported is subject to subsequent audit and adjustment.

General Information

When a company or an individual enters into a lease to explore, develop, produce, and dispose of minerals from Federal or Indian lands, that company or individual agrees to pay the lessor a share in an amount or value of production from the leased lands. The lessee, or designee, must report various kinds of information to the lessor relative to the disposition of the leased minerals. Such information is generally available within the records of the lessee or others involved in developing, transporting, processing, purchasing, or selling of such minerals.

Information Collections

ONRR, acting for the Secretary, uses the information that we collect to ensure

that lessees accurately value and appropriately pay all royalties based on correct product valuation. ONRR and other Federal Government entities, including the Bureau of Safety and Environmental Enforcement, Bureau of Land Management, Bureau of Indian Affairs, and State and Tribal governmental entities, use the information for audit purposes and for evaluating the fairness of product valuation or allowance claims that lessees submit. Please refer to the burden hour chart for all reporting requirements and associated burden hours.

Furthermore, ONRR proposes implementing a new form ONRR–4440, Solid Minerals Sales Summary, to collect current data elements in a standardized format to support ONRR's compliance efforts for all solid mineral leases. Lessees of coal and other solid minerals from Federal and Indian leases will submit required data on form ONRR–4440. Lessees will find the required data elements in the table in 30 CFR 1210.202. The sales summary information will aid ONRR in determining a lessee's compliance with applicable laws, rules, regulations, and sales contracts.

Currently, lessees are required to submit sales summaries electronically where possible by submitting internally generated information as an attachment to an email message using any format they have available. Over 95 percent of lessees use this submittal method. ONRR is developing an automated system that would receive and store the sales summary data that lessees submit on the proposed form ONRR–4440. Lessees would submit, and ONRR would utilize the submitted data in two phases. Phase 1 would require lessees to submit proposed form ONRR–4440 using the current submittal method. Phase 2 would require lessees to submit proposed form ONRR–4440 electronically. This submittal process would be similar to the current process that ONRR requires lessees to follow to submit form ONRR–4430, Solid Minerals Production and Royalty Report. The proposed standard collection format using available information technology would greatly reduce the number of ONRR site visits, emails, or telephone contacts needed to clarify company-generated sales summary documents.

A. Solid Minerals

Producers of coal and other solid minerals from any Federal or Indian lease must submit current form ONRR–4430, Solid Minerals Production and Royalty Report, and other associated data formats. These companies also report certain data on form ONRR–2014, Report of Sales and Royalty Remittance (OMB Control Number 1012–0004). Producers of coal from any Indian lease must also submit form ONRR–4292, Coal Washing Allowance Report, and form ONRR–4293, Coal Transportation Allowance Report, if they wish to claim allowances on form ONRR–4430. The information ONRR requests are the minimum necessary to carry out our mission and places the least possible burden on respondents.

B. Geothermal Resources

This ICR also covers some of the information collections for geothermal resources, which ONRR groups by usage (electrical generation, direct use, and byproduct recover), and by disposition of the resources (arm's-length (unaffiliated) contract sales, non-arm's-length contract sales, and no contract sales) within each use group. ONRR relies primarily on data that payors report on form ONRR–2014 for the majority of our business processes, including geothermal information. In addition to using the data to account for royalties that payors report, ONRR uses the data for monthly distribution of mineral revenues and audit and compliance reviews.

OMB Approval

We will request OMB approval to continue to collect this information. Not collecting this information would limit the Secretary's ability to discharge fiduciary duties and may also result in the loss of royalty payments. We protect the proprietary information that ONRR receives and do not collect items of a sensitive nature. It is mandatory that the reporters submit form ONRR–4430. Also, ONRR requires that reporters submit forms ONRR–4292, ONRR–4293, and ONRR 4440 to obtain benefits for claiming allowances.

II. Data

Title: Solid Minerals and Geothermal Collections.

OMB Control Number: 1012–0010.

Bureau Form Numbers: ONRR–4430, ONRR–4292, ONRR–4293, and ONRR–4440.

Frequency: Monthly, annually, and on occasion.

Estimated Number of Respondents: 100 reporters.

Estimated Annual Reporting and Recordkeeping "Hour" Burden: 3,434 hours.

We have not included in our estimates certain requirements that companies perform in the normal course of business, and that ONRR considers usual and customary. We display the estimated annual burden hours by CFR section and paragraph in the following chart.

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS

Citation 30 CFR	Reporting and recordkeeping requirement	Hour burden	Average number annual responses	Annual burden hours
Part 1202—Royalties Subpart H—Geothermal Resources				
1202.351(b)(3)	Pay royalties on used, sold, or otherwise finally disposed of byproducts.	Hour burden covered under OMB Control Number 1012–0004.		
1202.353(a), (b), (c), and (d)	Report on Form ONRR–2014, royalties or direct use fee due for geothermal resources, byproduct quantity, and commercially demineralized water quantity.	Hour burden covered under OMB Control Number 1012–0004. See § 1210.52.		
1202.353(e)	Maintain quality measurements for audits	AUDIT PROCESS. See Note.		

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

Citation 30 CFR	Reporting and recordkeeping requirement	Hour burden	Average number annual responses	Annual burden hours
Part 1206—Product Valuation Subpart F—Federal Coal				
1206.253(c); 1206.254; and 1206.257(d)(1).	Maintain accurate records for Federal lease coal and all data relevant to the royalty value determination. Report the coal quantity information on appropriate forms under 30 CFR part 1210.	0.4166	816	340.
1206.257(b)(1), (b)(3), (b)(4), and (d)(2).	Demonstrate and certify your arm's-length contract provisions including all consideration paid by buyer, directly or indirectly, for coal production. Provide written information of reported arm's-length coal sales value and quantity data.	AUDIT PROCESS. See Note.		
1206.257(d)(3)	Submit a one-time notification when first reporting royalties on Form ONRR–4430 and for a change in method.	2	3	6.
1206.257(f)	Submit all available data relevant to the value determination proposal.	5	2	10.
1206.257(i)	Write and sign contract revisions or amendments by all parties to an arm's-length contract, and retroactively apply revisions or amendments to royalty value for a period not to exceed two years.	2	3	6.
1206.259(a)(1) and (a)(3)	Demonstrate that your contract is arm's-length. Provide written information justifying the lessee's washing costs.	AUDIT PROCESS. See Note.		
1206.259(a)(1)	Report actual washing allowance on Form ONRR–4430 for arm's-length sales.	0.34	12	4.
1206.259(b)(1)	Report actual washing allowance on Form ONRR–4430 for non-arm's-length or no contract sales.	0.75	48	36.
1206.259(b)(2)(iv)	Report washing allowance on Form ONRR–4430 after lessee elects either method for a wash plant.	1	3	3.
1206.259(b)(2)(iv)(A)	Report washing allowance on Form ONRR–4430 for depreciation—use either straight-line, or a unit of production method.	1	3	3.
1206.259(c)(1)(ii) and (c)(2)(iii)	Submit arm's-length and non-arm's-length washing contracts and related documents to ONRR.	AUDIT PROCESS. See Note.		
1206.262(a)(1)	Report transportation allowance on Form ONRR–4430.	0.333	240	80.
1206.262(a)(1) and (a)(3)	Demonstrate that your contract is arm's-length. Provide written information justifying your transportation costs when ONRR determines the costs are unreasonable.	AUDIT PROCESS. See Note.		
1206.262(b)(1)	Report actual transportation allowance on Form ONRR–4430 for non-arm's-length or no contract sales.	0.75	24	18.
1206.262(b)(2)(iv)	Report transportation allowance on Form ONRR–4430 after lessee elects either method for a transportation system.	1	3	3.
1206.262(b)(2)(iv)(A)	Report transportation allowance on Form ONRR–4430 for depreciation—use either straight-line, or a unit of production method.	1	3	3.

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

Citation 30 CFR	Reporting and recordkeeping requirement	Hour burden	Average number annual responses	Annual burden hours
1206.262(b)(3)	Apply to ONRR for exception from the requirement of computing actual costs.	1	3	3.
1206.262(c)(1)(ii) and (c)(2)(iii)	Submit all arm's-length transportation contracts, production agreements, operating agreements, and related documents to ONRR.	AUDIT PROCESS. See Note.		
1206.264	Propose the value of coal for royalty purposes to ONRR for an ad valorem Federal coal lease.	1	1	1.
1206.265	Notify ONRR if, prior to use, sale, or other disposition, you enhanced the value of coal.	1	1	1.
Subpart H—Geothermal Resources				
1206.352(b)(1)(ii)	Determine the royalty on produced geothermal resources, used in your power plant for generation and sale of electricity, for Class I leases, as approved by ONRR.	Hour burden covered under OMB Control Number 1012–0004.		
1206.353(c)(2)(i)(A), (d)(9), and (e)(4).	Include a return on capital you invested when the purchase of real estate for transmission facilities is necessary. Allowable operating and maintenance expenses include other directly allocable and attributable operating and maintenance expenses that you can document.	AUDIT PROCESS. See Note.		
1206.353(g)	Request change to other depreciation alternative method with ONRR approval.	1	1	1.
1206.353(h)(1) and (m)(2)	Use a straight-line depreciation method, but not below salvage value, for equipment. Amend your prior estimated Form ONRR–2014 reports to reflect actual transmission cost deductions, and pay any additional royalties due plus interest.	Hour burden covered under OMB Control Number 1012–0004.		
1206.353(n)	Submit all arm's-length transmission contracts, production and operating agreements and related documents, and other data for calculating the deduction.	AUDIT PROCESS. See Note.		
1206.354(b)(1)(ii)	Redetermine your generating cost rate annually and request ONRR approval to use a different deduction period.	1	1	1.
1206.354(c)(2)(i)(A), (d)(9), and (e)(4).	Include a return on capital you invested when the purchase of real estate for a power plant site is necessary. Allowable operating and maintenance expenses include other directly allocable and attributable operating and maintenance expenses that you can document.	AUDIT PROCESS. See Note.		
1206.354(g)	Request change to other depreciation alternative method with ONRR approval.	1	1	1.
1206.354(h) and (m)(2)	Use a straight-line depreciation method, but not below the salvage value, for equipment..	Hour burden covered under OMB Control Number 1012–0004.		

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

Citation 30 CFR	Reporting and recordkeeping requirement	Hour burden	Average number annual responses	Annual burden hours
	Amend your prior estimated Form ONRR–2014 reports to reflect actual generating cost deductions and pay any additional royalties due plus interest.			
1206.354(n)	Submit all arm's-length power plant contracts, production and operating agreements and related documents, and other data for calculating the deduction..	AUDIT PROCESS. See Note.		
1206.356(a)(1) and (a)(2)	Determine the royalty on produced significant geothermal resource quantities, for Class I leases, with the weighted average of the arm's-length gross proceeds used to operate the same direct-use facility;. For Class I leases, the efficiency factor of the alternative energy source will be 0.7 for coal and 0.8 for oil, natural gas, and other fuels derived from oil and natural gas, or an efficiency factor proposed by the lessee and approved by ONRR.	Hour burden covered under OMB Control Number 1012–0004..		
1206.356(a)(3)	For Class I leases, a royalty determined by any other reasonable method approved by ONRR.	1	40	40.
1206.356(b)(3)	Provide ONRR data showing the geothermal production amount, in pounds or gallons of geothermal fluid, to input into the fee schedule for Class III leases.	Hour burden covered under OMB Control Number 1012–0004.		
1206.356(c)	ONRR will determine fees on a case-by-case basis for geothermal resources other than hot water.	1	1	1.
1206.357(b)(3); and 1206.358(d).	Determine the royalty due on byproducts by any other reasonable valuation method approved by ONRR. Use a discrete field on Form ONRR–2014 to notify ONRR of a transportation allowance.	Hour burden covered under OMB Control Number 1012–0004.		
1206.358(d)(2) and (e); 1206.359(a)(1), (a)(2), (c)(2)(i)(A), (d)(9), and (e)(4).	Submit arm's-length transportation contracts for reviews and audits, if ONRR requires. Pay any additional royalties due plus interest, if you have improperly determined a byproduct transportation allowance. Provide written information justifying your transportation costs if ONRR requires you to determine the byproduct transportation allowance. Include a return on capital if the purchase was necessary. Allowable operating and maintenance expenses include any other directly allocable and attributable operating and maintenance expenses that you can document.	AUDIT PROCESS. See Note.		
1206.359(g)	The lessee may not later elect to change to the other alternative without ONRR approval to compute costs associated with capital investment.	1	1	1.

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

Citation 30 CFR	Reporting and recordkeeping requirement	Hour burden	Average number annual responses	Annual burden hours
1206.359(h)(1) and (l)(2)	You must use a straight-line depreciation method based on the life of either equipment, or geothermal project. You must amend your prior Form ONRR–2014 reports to reflect actual byproduct transportation cost deductions and pay any additional royalties due plus interest.	Hour burden covered under OMB Control Number 1012–0004.		
1206.360(a)(1), (a)(2), and (b); 1206.361(a)(1).	Retain all data relevant to the royalty value, or fee you paid. Show how you calculated then submit all data to ONRR upon request. ONRR may review and audit your data and will direct you to use a different measure, if royalty value, gross proceeds, or fee is inconsistent with subpart.	AUDIT PROCESS. See Note.		
1206.361(a)(2)	Pay either royalties or fees due plus interest if ONRR directs you to use a different royalty value, measure of gross proceeds, or fee.	Hour burden covered under OMB Control Number 1012–0004.		
1206.361(b), (c), and (d)	ONRR may require you to: increase the gross proceeds to reflect any additional consideration; use another valuation method; provide written information justifying your gross proceeds; demonstrate that your contract is arm's length; and certify that the provisions in your sales contract include all of the consideration the buyer paid you.	AUDIT PROCESS. See Note.		
1206.361(f)(2)	Write and sign contract revisions or amendments by all parties to the contract.	AUDIT PROCESS. See Note.		
1206.364(a)(1)	Request a value determination from ONRR in writing.	12	1	12.
1206.364(c)(2)	Make any adjustments in royalty payments, if you owe additional royalties, and pay the royalties owed plus interest after the Assistant Secretary issues a determination.	Hour burden covered under OMB Control Number 1012–0004.		
1206.364(d)(2)	You may appeal an order requiring you to pay royalty under the determination.	Hour burden covered under OMB Control Number 1012–0006.		
1206.366	State, tribal, or local government lessee must pay a nominal fee, if uses a geothermal resource.	Hour burden covered under OMB Control Number 1012–0004.		
Subpart J—Indian Coal				
1206.456(b)(1), (b)(3), and (b)(4).	Demonstrate that your contract is arm's-length. Provide written information justifying the reported coal value. And certify that your arm's-length contract provisions include all direct or indirect consideration paid by buyer for the coal production.	AUDIT PROCESS. See Note.		

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

Citation 30 CFR	Reporting and recordkeeping requirement	Hour burden	Average number annual responses	Annual burden hours
1206.456(d)(1); 1206.452(c); 1206.453.	Retain all data relevant to the determination of royalty value to which individual Indian lease coal should be allocated. Report coal quantity information on Form ONRR–4430, Solid Minerals Production and Royalty Report, as required under 30 CFR part 1210.	0.42	48	20.
1206.456(d)(2)	An Indian lessee will make available arm's-length sales and sales quantity data for like-quality coal sold, purchased, or otherwise obtained from the area when requested by an authorized ONRR or Indian representative, or the Inspector General of the Department of the Interior or other persons authorized to receive such information.	AUDIT PROCESS. See Note.		
1206.456(d)(3)	Notify ONRR by letter identifying the valuation method used and procedure followed. This is a one-time notification due no later than the month the lessee first report royalties on the Form ONRR–4430.	1	1	1.
1206.456(f)	Propose a value determination method to ONRR; submit all available data relevant to method; and use that method until ONRR decides.	1	1	1.
1206.456(i)	Write and sign contract revisions or amendments by all parties to an arm's-length contract.	1	1	1.
1206.458(a)(1), (b)(1), (c)(1)(i), (c)(1)(iii), (c)(2)(i), and (c)(2)(iii).	Deduct the reasonable actual coal washing allowance costs incurred under an arm's-length contract, and allowance based upon their reasonable actual costs under a non-arm's-length or no contract, after submitting a completed page one of Form ONRR–4292, Coal Washing Allowance Report, containing the actual costs for the previous reporting period, within 3 months after the end of the calendar year after the initial and for succeeding reporting periods, and report deduction on Form ONRR–4430 for an arm's-length, or a non-arm's-length, or no contract.	2	1	2.
1206.458(a)(3)	Provide written information justifying your washing costs when ONRR determines your washing value unreasonable.	AUDIT PROCESS. See Note.		
1206.458(b)(2)(iv)	The lessee may not later elect to change to the other alternative without ONRR approval.	1	1	1.
1206.458(b)(2)(iv)(A)	Elect either a straight-line depreciation method based on the life of equipment or reserves, or a unit of production method.	1	1	1.
1206.458(c)(1)(iv) and (c)(2)(vi).	Submit arm's-length washing contracts and all related data used on Form ONRR–4292.	AUDIT PROCESS. See Note.		

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

Citation 30 CFR	Reporting and recordkeeping requirement	Hour burden	Average number annual responses	Annual burden hours
1206.461(a)(1), (b)(1), (c)(1)(i), (c)(1)(iii), (c)(2)(i), and (c)(2)(iii).	Submit a completed page one of Form ONRR–4293, Coal Transportation Allowance Report, of reasonable, actual transportation allowance costs incurred by the lessee for transporting the coal under an arm's-length contract, in which you may claim a transportation allowance retroactively for a period of not more than 3 months prior to the first day of the month that you filed the form with ONRR, unless ONRR approves a longer period upon a showing of good cause by the lessee. Submit also a completed Form ONRR–4293 based upon the lessee's reasonable actual costs under a non-arm's-length or no contract. (Emphasis added.).	2	1	2.
1206.461(a)(3)	Provide written information justifying your transportation costs when ONRR determines your transportation value unreasonable.	AUDIT PROCESS. See Note.		
1206.461(b)(2)(iv)	Submit completed Form ONRR–4293 after a lessee has elected to use either method for a transportation system.	1	1	1.
1206.461(b)(2)(iv)(A)	Submit completed Form ONRR–4293 to compute depreciation for election to use either a straight-line depreciation, or unit-of-production method.	1	1	1.
1206.461(b)(3)	Submit completed Form ONRR–4293 for exception from the requirement of computing actual costs.	1	1	1.
1206.461(c)(1)(iv) and (c)(2)(vi).	Submit arm's-length transportation contracts, production and operating agreements, and related documents used on Form ONRR–4293.	AUDIT PROCESS. See Note.		
1206.463	Propose the value of coal for royalty purposes to ONRR for an ad valorem Federal coal lease.	1	1	1.
1206.464	Notify ONRR if, prior to use, sale, or other disposition, you enhance the value of coal.	1	1	1.
Part 1210—Forms and Reports Subpart E—Solid Minerals, General				
1210.201(a)(1); 1206.259(c)(1)(i), (c)(2), (e)(2); 1206.262(c)(1), (c)(2)(i), (e)(2); 1206.458(c)(4), (e)(2); 1206.461(c)(4), (e)(2).	Submit a completed Form ONRR–4430. Report washing and transportation allowances as a separate line on Form ONRR–4430 for arm's-length, non-arm's-length, or no contract sales, unless ONRR approves a different reporting procedure. Submit also a corrected Form ONRR–4430 to reflect actual costs, together with any payment, in accordance with instructions provided by ONRR.	0.75	1,668	1,251.
1210.202(a)(1) and (c)(1)	Submit sales summaries via electronic mail where possible for all coal and other solid minerals produced from Federal and Indian leases and for any remote storage site.	0.50	900	450.
1210.203(a)	Submit sales contracts, agreements, and contract amendments for sale of all coal and other solid minerals produced	1	30	30.

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

Citation 30 CFR	Reporting and recordkeeping requirement	Hour burden	Average number annual responses	Annual burden hours
1210.204(a)(1)	Submit facility data if you operate a wash plant, refining, ore concentration, or other processing facility for any coal, sodium, potassium, metals, or other solid minerals produced from Federal or Indian leases with ad valorem royalty terms.	0.5	130	65.
1210.205(a) and (b)	Submit detailed statements, documents, or other evidence necessary to verify compliance, as requested.	AUDIT PROCESS. See Note.		
Subpart H—Geothermal Resources				
1210.351	Maintain geothermal records on microfilm, microfiche, or other recorded media.	Hour burden covered under OMB Control Number 1012–0004.		
1210.352	Submit additional geothermal information on special forms or reports.	1	1	1.
1210.353	Submit completed Form ONRR–2014 monthly once sales or utilization of geothermal production occur.	Hour burden covered under OMB Control Number 1012–0004.		
Part 1212—Records and Forms Maintenance Subpart E—Solid Minerals—General				
1212.200(a)	Maintain all records pertaining to Federal and Indian solid minerals leases for 6 years after records are generated unless the record holder is notified, in writing.	0.25	4,064	1,016.
Subpart H—Geothermal Resources				
1212.351(a) and (b)	Retain accurate and complete records necessary to demonstrate that payments of royalties, rentals, and other amounts due under Federal geothermal leases are in compliance with laws, lease terms, regulations, and orders. Maintain all records pertaining to Federal geothermal leases for 6 years after the records are generated unless the recordholder is notified in writing.	Hour burden covered under OMB Control Numbers 1012–0004 (for Forms ONRR–2014 and ONRR–4054).		
Part 1217—Audits and Inspections Subpart E—Coal				
1217.200	Furnish, free of charge, duplicate copies of audit reports that express opinions on such compliance with Federal lease terms relating to Federal royalties as directed by the Director for the Office of Natural Resources Revenue.	AUDIT PROCESS. See Note.		
Subpart F—Other Solid Minerals				
1217.250	Furnish, free of charge, duplicate copies of annual or other audits of your books.	AUDIT PROCESS. See Note.		
Subpart G—Geothermal Resources				
1217.300	The Secretary, or his/her authorized representative, will initiate and conduct audits or reviews that relate to compliance with applicable regulations.	AUDIT PROCESS. See Note.		

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

Citation 30 CFR	Reporting and recordkeeping requirement	Hour burden	Average number annual responses	Annual burden hours
PART 1218—COLLECTION OF MONIES AND PROVISION FOR GEOTHERMAL CREDITS AND INCENTIVES				
Subpart E—Solid Minerals—General				
1218.201(b); 1206.457(b); 1206.460(d).	You must tender all payments under § 1218.51 except for Form ONRR–4430 payments, include both your customer identification and your customer document identification numbers on your payment document, and you shall be liable for any additional royalties, plus interest, if improperly determined a washing or transportation allowance.	0.0055	1,368	8.
1218.203(a) and (b)	Recoup an overpayment on Indian mineral leases through a recoupment on Form ONRR–4430 against the current month's royalties and submit the tribe's written permission to ONRR.	1	1	1.
Subpart F—Geothermal Resources				
1218.300; 1218.301; 1218.304; 1218.305(a).	Submit all rental and deferred bonus payments when due and pay in value all royalties due determined by ONRR. The payor shall tender all payments. Pay the direct use fees in addition to the annual rental due.	Hour burden covered under OMB Control Number 1012–0004.		
	Pay advanced royalties, under 43 CFR 3212.15(a)(1) to retain your lease, that equal to the average monthly royalty you paid under 30 CFR part 1206, subpart H.			
1218.306(a)(2)	You may receive a credit against royalties if ONRR approves in advance your contract.	4	1	4.
1218.306(b)	Pay in money any royalty amount that is not offset by the credit allowed under this section.	Hour burden covered under OMB Control Number 1012–0004.		
TOTAL BURDEN			9,434	3,434.

Note: Audit Process—The Office of Regulatory Affairs determined that the audit process is exempt form the Paperwork Reduction Act of 1995 because ONRR staff asks non-standard questions to resolve exceptions.

Estimated Annual Reporting and Recordkeeping "Non-hour" Cost Burden: We have identified no "non-hour" cost burdens associated with the collection of information.

Public Disclosure Statement: The PRA (44 U.S.C. 3501 *et seq.)* provides that an agency may not conduct or sponsor, and a person does not have to respond to, a collection of information unless it displays a currently valid OMB control number.

III. Request for Comments

Section 3506(c)(2)(A) of the PRA requires each agency to "* * * provide 60-day notice in the **Federal Register** * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *." Agencies must specifically solicit comments to (a) evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information that ONRR collects; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

The PRA also requires agencies to estimate the total annual reporting "non-hour cost" burden to respondents or record-keepers resulting from the collection of information. If you have costs to generate, maintain, and disclose this information, you should comment and provide your total capital and startup cost components or annual operation, maintenance, and purchase of service components. You should describe the methods that you use to estimate (1) major cost factors, including system and technology acquisition, (2) expected useful life of capital equipment, (3) discount rate(s), and (4) the period over which you incur costs. Capital and startup costs include, among other items, computers and software that you purchase to prepare for collecting information and monitoring, sampling, and testing equipment; and record storage facilities. Generally, your estimates should not include equipment or services purchased: (i) Before October 1, 1995; (ii) to comply with requirements not associated with the information collection; (iii) for reasons other than to provide information or to keep records

for the Federal Government; or (iv) as part of customary and usual business or private practices. We will summarize written responses to this notice and address them in our ICR submission for OMB approval, including appropriate adjustments to the estimated burden. We will provide a copy of the ICR to you without charge upon request. We also will post the ICR on our Web site at *http://www.onrr.gov/Laws_R_D/FRNotices/ICR0120.htm*.

Public Comment Policy: ONRR will post all comments, including names and addresses of respondents at *http://www.regulations.gov*. Before including Personally Identifiable Information (PII), such as your address, phone number, email address, or other personal information in your comment(s), you should be aware that your entire comment (including PII) may be made available to the public at any time. While you may ask us, in your comment, to withhold PII from public view, we cannot guarantee that we will be able to do so.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget control number.

Dated: April 4, 2016.

Gregory J. Gould,

Director, Office of Natural Resources Revenue.

[FR Doc. 2016–08661 Filed 4–13–16; 8:45 am]

BILLING CODE 4335–30–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–559–561 and 731–TA–1317–1328 (Preliminary)]

Certain Carbon and Alloy Steel Cut-to-Length Plate From Austria, Belgium, Brazil, China, France, Germany, Italy, Japan, Korea, South Africa, Taiwan, and Turkey; Institution of Antidumping and Countervailing Duty Investigations and Scheduling of Preliminary Phase Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the institution of investigations and commencement of preliminary phase antidumping and countervailing duty investigation Nos. 701–TA–559–561 and 731–TA–1317–1328 (Preliminary) pursuant to the Tariff Act of 1930 ("the Act") to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of certain carbon and alloy steel cut-to-length plate from Austria, Belgium, Brazil, China, France, Germany, Italy, Japan, Korea, South Africa, Taiwan, and Turkey, provided for in subheadings 7208.40, 7208.51, 7208.52, 7211.13, 7211.14, 7225.40, 7226.20, and 7226.91 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value and alleged to be subsidized by the Governments of Brazil, China, and Korea. Unless the Department of Commerce extends the time for initiation, the Commission must reach preliminary determinations in antidumping and countervailing duty investigations in 45 days, or in this case by May 23, 2016. The Commission's views must be transmitted to Commerce within five business days thereafter, or by May 31, 2016.

DATES: Effective April 8, 2016.

FOR FURTHER INFORMATION CONTACT: Mary Messer ((202) 205–3193) or Carolyn Carlson ((202) 205–3002), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*http://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov*.

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted, pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)), in response to petitions filed on April 8, 2016, by ArcelorMittal USA LLC (Chicago, Illinois), Nucor Corporation (Charlotte, North Carolina), and SSAB Enterprises, LLC (Lisle, Illinois).

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

Participation in the investigations and public service list.—Persons (other than petitioners) wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping duty and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these investigations available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigations under the APO issued in the investigations, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference.—The Commission's Director of Investigations has scheduled a conference in connection with these investigations for 9:00 a.m. on Friday, April 29, 2016, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Requests to appear at the conference should be emailed to *William.bishop@usitc.gov* and *Sharon.bellamy@usitc.gov* (DO NOT FILE ON EDIS) on or before April 27, 2016. Parties in support of the imposition of countervailing and antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

Written submissions.—As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before May 4, 2016, a written brief containing

information and arguments pertinent to the subject matter of the investigations. Parties may file written testimony in connection with their presentation at the conference. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's Handbook on E-Filing, available on the Commission's Web site at *http://edis.usitc.gov*, elaborates upon the Commission's rules with respect to electronic filing.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

By order of the Commission.
Issued: April 8, 2016.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2016–08543 Filed 4–13–16; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Electrical Conductor Composite Cores and Components Thereof, DN 3137;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing under section 210.8(b) of the Commission's Rules of Practice and Procedure (19 CFR 210.8(b)).

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at EDIS,[1] and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its Internet server at United States International Trade Commission (USITC) at USITC.[2] The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at EDIS.[3] Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to section 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of CTC Global Corporation on April 8, 2016. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain electrical conductor composite cores and components thereof. The complaint names as respondents: Mercury Cable & Energy, Inc., d/b/a Mercury Cable & Energy LLC, d/b/a Energy Technology International Company, Inc., San Juan Capistrano, CA; and Shenzhen Zm Hesheng Power Development Co., Ltd., a/k/a Mercury Composite Co., Ltd., China. The complainant requests that the Commission issue a general exclusion order, cease and desist orders, and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or section 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number ("Docket No. 3137") in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures).[4] Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the

[1] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

[2] United States International Trade Commission (USITC): *http://edis.usitc.gov.*

[3] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

[4] Handbook for Electronic Filing Procedures: *http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf.*

Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[5]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of sections 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: April 11, 2016.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2016–08594 Filed 4–13–16; 8:45 am]

BILLING CODE P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest Washington, DC

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Passenger Vehicle Automotive Wheels, DN 3138;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing under § 210.8(b) of the Commission's Rules of Practice and Procedure (19 CFR 210.8(b)).

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at EDIS,[1] and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its Internet server at United States International Trade Commission (USITC) at USITC.[2] The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at EDIS.[3] Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Daimler AG on April 11, 2016. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain passenger vehicle automotive wheels. The complaint names as respondents: A–Z Wheels LLC d/b/a UsaRim/UsaRim.com/Eurotech Wheels, San Diego, CA; Galaxy Wheels & Tires, LLC, San Diego, CA; Infobahn International, Inc. d/b/a Infobahn/Eurotech/Eurotech Luxury Wheels/Euro Wheels/UsaRim, San Diego, CA; Amazon.com, Inc., Seattle, WA; A Spec Wheels & Tires LLC d/b/a A SPEC Wheels & Tires, Hayward, CA; America Tire Distributors Holdings, Inc., Huntersville, NC; America Tire Distributors, Inc., Huntersville, NC; Onyx Enterprises Int'l, Corp. d/b/a CARiD.COM, Cranbury, NJ; O.E. Wheel Distributors, LLC, Sarasota, FL; Powerwheels Pro, LLC, Waterford, MI; and Trade Union International Inc. d/b/a Topline, Montclair, CA. The complainant requests that the Commission issue a general exclusion order, cease and desist orders, and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to § 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number ("Docket No. 3138") in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures).[4] Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be

[5] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

[1] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

[2] United States International Trade Commission (USITC): *http://edis.usitc.gov.*

[3] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

[4] Handbook for Electronic Filing Procedures: *http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf.*

treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[5]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10 and 210.8(c)).

By order of the Commission.

Issued: April 11, 2016.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2016–08624 Filed 4–13–16; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Cable Television Laboratories, Inc.

Notice is hereby given that, on March 17, 2016, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Cable Television Laboratories, Inc. ("CableLabs") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Zegona Communications, plc, London, UNITED KINGDOM; Euskaltel, S.A., Derio, SPAIN; and Cable Onda, S.A., Panama, PANAMA, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and CableLabs intends to file additional written notifications disclosing all changes in membership.

On August 8, 1988, CableLabs filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on September 7, 1988 (53 FR 34593).

The last notification was filed with the Department on December 11, 2014. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on February 6, 2015 (80 FR 6769).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2016–08582 Filed 4–13–16; 8:45 am]

BILLING CODE P

[5] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Pistoia Alliance, Inc.

Notice is hereby given that, on March 8, 2016, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Pistoia Alliance, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Leah McEwan (individual member), Ithaca, NY; Yannick Djoumbou Feunang (individual member), Edmonton, CANADA; Louis Fisher (individual member), Plantation, FL; SciBite, Cambridge, UNITED KINGDOM; and Monocl Software, Gothenberg, SWEDEN, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Pistoia Alliance, Inc. intends to file additional written notifications disclosing all changes in membership.

On May 28, 2009, Pistoia Alliance, Inc. filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on July 15, 2009 (74 FR 34364).

The last notification was filed with the Department on December 21, 2015. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on February 26, 2016 (81 FR 9883).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2016–08579 Filed 4–13–16; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Cooperative Research Group on Advanced Combustion Catalyst and Aftertreatment Technologies

Notice is hereby given that, on March 15, 2016, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Southwest Research Institute—Cooperative Research Group on Advanced Combustion Catalyst and Aftertreatment Technologies ("AC^{2}AT") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Scania, Sodertalje, SWEDEN, and Volvo Technology AB, Goteborg, SWEDEN, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and AC^{2}AT intends to file additional written notifications disclosing all changes in membership.

On March 20, 2015, AC^{2}AT filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on April 30, 2015 (80 FR 24277).

The last notification was filed with the Department on January 27, 2016. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on March 9, 2016 (81 FR 12526).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2016–08571 Filed 4–13–16; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Medical Technology Enterprise Consortium

Notice is hereby given that, on March 15, 2016, pursuant to Section 6(a) of the National Cooperative Research and

Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), the Medical Technology Enterprise Consortium ("MTEC") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership and nature and objectives. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Agile Immersive, Arlington, VA; Armed Forces Institute for Regenerative Medicine (AFIRM), Winston-Salem, NC; Articulate Biomedical, LLC, Ithaca, NY; BioMed SA, San Antonio, TX; Cedars-Sinai Medical Center, Los Angeles, CA; CUBRC, Inc., Buffalo, NY; Eagle Applied Sciences, LLC, San Antonio, TX; East Carolina University, Greenville, NC; FirstString Research, Inc., Mt. Pleasant, SC; Gateway Biotechnology, Inc., Kent, OH; General Electric Company, Global Research, Niskayuna, NY; Georgia Tech Research Corporation, Atlanta, GA; IDIQ, Inc., Fallbrook, CA; InnoVital Systems, Inc., Beltsville, MD; Johns Hopkins University, Baltimore, MD; and Kestrel Corporation, Albuquerque, NM, Lovelace Biomedical and Environmental Research Institute, Albuquerque, NM; McAllister & Quinn, LLC, Washington, DC; Medical University of South Carolina, Charleston, SC; MedPro Technologies, Inc., San Antonio, TX; Michigan Technological University, Houghton, MI; MicroCures, Inc., Santa Cruz, CA; MiMedx Group, Inc., Marietta, GA; New York Institute of Technology, Old Westbury, NY; North American Rescue, LLC, Greer, SC; Otologic Pharmaceutics, Inc., Oklahoma City, OK; Pertexa Healthcare Technologies, Inc., Ridgecrest, CA; Qool Therapeutics, Inc., Menlo Park, CA; RegenMed Development Organization, Winston-Salem, NC; Resiliency Technologies, Inc., Spartanburg, SC; Second Sight Medical Products, Inc., Sylmar, CA; Southwest Research Institute, San Antonio, TX; Techline Technologies, Inc., Willow Grove, PA; The Conafay Group, Washington, DC; The General Hospital Corporation dba Massachusetts General Hospital, Boston, MA; The Henry M. Jackson Foundation for the Advancement of Military Medicine, Bethesda, MD; The Ohio State University, Columbus, OH; The Research Foundation for the State University of New York (SUNY), Syracuse, NY; The University of Texas at Arlington Research Institute (UTARI), Arlington, TX; Trideum Biosciences, Frederick, MD; Triton Systems, Inc., Chelmsford, MA; University of Illinois at Chicago, Chicago, IL; University of Miami, Coral Gables, FL; University of Michigan, Ann Arbor, MI; University of Nebraska Medical Center, Omaha, NE; University of Pittsburgh, Pittsburgh, PA; University of South Carolina, Columbia, SC; University of Virginia, Charlottesville, VA; Vanderbilt University School of Engineering, Nashville, TN; Wake Forest University Health Sciences, Winston-Salem, NC; and Weinberg Medical Physics, LLC, North Bethesda, MD, have been added as parties to this venture.

Also, Biohealth Innovation, Inc., Rockville, MD; Center for Integration of Medicine and Innovative Technology (CIMIT), Boston, MA; Florida Atlantic University, Boca Raton, FL; Indiana University, Bloomington, IN; Institute for Systems Biology, Seattle, WA; Jade Therapeutics, Inc., Salt Lake City, UT; Johns Hopkins Technology Transfer, Baltimore, MD; KAI Research, Inc. (KAI), Rockville, MD; Human Effects Modeling, Advanced Technology, Inc., L–3 Communications, San Diego, CA; Maryland Technology Development Corp. (TEDCO), Columbia, MD; and Institute for Collaborative Biotechnologies, University of California, Santa Barbara, CA, have withdrawn as parties to this venture.

The general areas of MTEC's planned activity are to: (a) enter into an Other Transactions Agreement with the U.S. Army Medical Research and Materiel Command (the Government) to fund certain research, development, and commercialization efforts conducted in partnership with the Government, the Consortium, and Consortium Members that enhance the medical knowledge and life cycle management of the medical program, and enable the Government to better protect, treat, and optimize Warfighter health and performance across the full spectrum of operations; (b) participate in establishing sound technical and programmatic performance goals based on the needs and requirements of the Government's Technology Objectives and other mission requirements; (c) create programs and secure funding; (d) provide a unified voice that effectively articulates the strategically important role military medical technologies play in current and future military operations; and (e) maximize use of Government and member capabilities and resources for developing critical processes, procedures, drugs, vaccines, and devices that can be transitioned and commercialized for both military and civilian use.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and MTEC intends to file additional written notifications disclosing all changes in membership.

On May 9, 2014, MTEC filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on June 9, 2014 (79 FR 32999).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2016–08574 Filed 4–13–16; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—National Spectrum Consortium

Notice is hereby given that, on March 15, 2016, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), National Spectrum Consortium ("NSC") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, SAZE Technologies, LLC, Silver Spring, MD; The University of Chicago, Chicago, IL; Rohde & Schwarz USA, Inc., Columbia, MD; Board of Regents, NSHE, obo University of Nevada Reno, Reno, NV; Continental Microwave & Tool, Co. Inc. d/b/a Cobham Advanced Electronic Solutions, Exeter, NH; and Eridan Communications, Inc., San Francisco, CA, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and NSC intends to file additional written notifications disclosing all changes in membership.

On May 24, 2014, NSC filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on November 4, 2014 (79 FR 65424).

The last notification was filed with the Department on October 22, 2015. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on December 7, 2015 (80 FR 76042).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2016–08584 Filed 4–13–16; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Cooperative Research Group on Chede–VII

Notice is hereby given that, on March 15, 2016, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Southwest Research Institute—Cooperative Research Group on CHEDE–VII ("CHEDE–VII") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Detroit Diesel Corporation, Detroit, MI; Mahle Engine Components USA, Inc., Farmington Hills, MI; Volvo Powertrain North America, Hagerstown, MD; Tata Motors Ltd., Mumbai, INDIA; Convergent Science, Madison, WI; and PACCAR C/O DAF Trucks N.V., Eindhoven, NETHERLANDS, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and CHEDE–VII intends to file additional written notifications disclosing all changes in membership.

On January 6, 2016, CHEDE–VII filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on February 2, 2016, (81 FR 5484).

The last notification was filed with the Department on February 10, 2016. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on March 9, 2016, (81 FR 12529).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2016–08580 Filed 4–13–16; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—National Armaments Consortium

Notice is hereby given that, on March 15, 2016, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), National Armaments Consortium ("NAC") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Akita Innovations, LLC, North Billerica, MA; American Engineering & Manufacturing, Inc., Elyria, OH; American Rheinmetall Munitions, Inc., Stafford, VA; Aria Microwave Systems, Inc., Teaneck, NJ; BEAM Engineering for Advanced Measurements, Orlando, FL; Bradshaw Engineering and Technical Services, LLC, Union Grove, AL; C–2 Innovations, Inc., Stow, MA; CIRTEMO, LLC, Cayce, SC; Cummings Aerospace, Inc., Huntsville, AL; Elbit Systems of America, LLC, Fort Worth, TX; Electronics & Manufacturing Co., LLC, Columbia, MO; Elmet Technologies, LLC, Lewiston, ME; Evigia Systems, Inc., Ann Arbor, MI; Fairlead Precision Manufacturing & Integration, LLC, Portsmouth, VA; Fiocchi of America, Ozark, MO; GECO, Inc., Mesa, AZ; General Dynamics C4 Systems, Inc., Scottsdale, AZ; Hardigg Industries, Inc., South Deerfield, MA; Integrated Global Insights, LLC, Burke, VA; Integration Innovation, Inc. (i3), Huntsville, AL; Kratos Defense & Rocket Support Services, Inc., King George, VA; L–3 Electron Devices, Williamsport, PA; Lancer Systems, LP, Quakertown, PA; Leigh Aerosystems Corporation, Carlsbad, CA; Logikos, Inc., Fort Wayne, IN; Magnesium Elektron North American, Inc., Madison, IL; Materion Brush, Inc., Elmore, OH; MBDA Incorporated, Arlington, VA; Molex, LLC, Lisle, IL; OMNI Consulting Solutions, LLC, El Segundo, CA; Orion Munitions Development, LLC, Gladstone, MO; pH Matter, LLC, Columbus, OH; PolyPlus Battery Company, Berkeley, CA; Polysciences, Inc., Warrington, PA; Pyrolink International Inc., Alexandria, VA; Quantum Dimension, Inc., Huntington Beach, CA; Radiation Monitoring Devices, Inc., Watertown, PA; Saab Defense and Security USA, LLC, East Syracuse, NY; SimVentions, Inc., Fredericksburg, VA; Southern Research Institute, Birmingham, AL; STS Technologies, LLC, Mahwah, NJ; The Regents of the University of California, Irvine, Irvine, CA; Vadum, Inc., Raleigh, NC; ViaSat, Inc., Gilbert, AZ; and Wilcox Industries Corp, Newintong, PA, have been added as parties to this venture.

Also, Applied Thin Films, Inc., Skokie, IL; Fluorochem, Inc., Azusa, CA; Prime Photonics, LC, Blacksburg, VA; Safety Consulting Engineers, Schauraburg, IL; Saint-Gobain Ceramics & Plastics, Inc., Milford, NH; and Soligie, Inc., Savage, MN, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and NAC intends to file additional written notifications disclosing all changes in membership.

On May 2, 2000, NAC filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on June 30, 2000 (65 FR 40693).

The last notification was filed with the Department on November 10, 2015. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on December 23, 2015 (80 FR 79931).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2016–08577 Filed 4–13–16; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Manufacturer of Controlled Substances Registration: Stepan Company

ACTION: Notice of registration.

SUMMARY: Stepan Company applied to be registered as a manufacturer of

certain basic classes of controlled substances. The Drug Enforcement Administration (DEA) grants Stepan Company registration as a manufacturer of those controlled substances.

SUPPLEMENTARY INFORMATION: By notice dated April 14, 2015, and published in the **Federal Register** on April 22, 2015, 80 FR 22555, Stepan Company, Natural Products Department, 100 W. Hunter Avenue, Maywood, New Jersey 07607 applied to be registered as a manufacturer of certain basic classes of controlled substances. No comments or objections were submitted for this notice.

The DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of Stepan Company to manufacture the basic classes of controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated the company's maintenance of effective controls against diversion by inspecting and testing the company's physical security systems, verifying the company's compliance with state and local laws, and reviewing the company's background and history.

Therefore, pursuant to 21 U.S.C. 823(a), and in accordance with 21 CFR 1301.33, the above-named company is granted registration as a bulk manufacturer of the following basic classes of controlled substances:

Controlled substance	Schedule
Cocaine (9041)	II
Ecgonine (9180)	II

The company plans to manufacture the listed controlled substances in bulk for distribution to its customers.

Dated: April 4, 2016

Louis J. Milione,

Deputy Assistant Administrator.

[FR Doc. 2016–08576 Filed 4–13–16; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Application: Patheon API Manufacturing, Inc.

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.33(a) on or before June 13, 2016.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/ODW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated her authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Deputy Assistant Administrator of the DEA Office of Diversion Control ("Deputy Assistant Administrator") pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.33(a), this is notice that on January 13, 2016, Patheon API Manufacturing, Inc., 309 Delaware Street, Building 1106, Greenville, South Carolina 29605 applied to be registered as a bulk manufacturer of the following basic classes of controlled substances:

Controlled substance	Schedule
Marihuana (7360)	I
Tetrahydrocannabinols (7370)	I
Noroxymorphone (9668)	II

The company plans to manufacture the above-listed controlled substances as Active Pharmaceutical Ingredients (API) for clinical trials.

In reference to drug codes 7360 (marihuana), and 7370 (THC), the company plans to bulk manufacture these drugs as synthetics. No other activities for these drug codes are authorized for this registration.

Dated: March 29, 2016.

Louis J. Milione,

Deputy Assistant Administrator.

[FR Doc. 2016–08569 Filed 4–13–16; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 16–7]

Rezik A. Saqer, M.D.; Decision and Order

On October 1, 2015, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, issued an Order to Show Cause to Rezik A. Saqer, M.D., (Respondent). The Show Cause Order proposed the revocation of Respondent's DEA Certificates of Registration BS4072637 and FS1975359, pursuant to which he is authorized to dispense controlled substances in schedules II through V, as a practitioner, at the respective registered locations of 11037 FM 1960 West, Suite B1, Houston, Texas, and 3074 College Park Drive, Conroe, Texas. Show Cause Order, at 1. The Show Cause Order further proposed the denial of any applications to renew or modify either registration, as well as the denial of any other application for a DEA registration. *Id.*

More specifically, the Show Cause Order alleged that "[e]ffective September 28, 2015, the Texas Medical Board issued an Order of Temporary Suspension . . . which suspended [Respondent's] medical license," and therefore, he is currently "without authority to handle controlled substances in Texas, the State in which [he is] registered with" DEA. *Id.* at 2. The Show Cause Order thus advised Respondent that "DEA must revoke [his] registrations based upon [his] lack of authority to handle controlled substances in the State of Texas." *Id.* (citing 21 U.S.C. 802(21), 823(f), and 824(a)(3)).

On October 2, 2015, a Diversion Investigator served the Show Cause Order by travelling to Respondent's registered location in Houston, and leaving it with a medical assistant, who provided a signed receipt for the Order. Affidavit of DI, at 1. On November 5, 2015, Respondent, through his counsel, requested a hearing on the allegations of the Show Cause Order.[1] The matter was then placed on the docket of the Office of Administrative Law Judges, and

[1] While Respondent's request was untimely, Respondent's counsel subsequently filed a motion which established that his secretary had attempted to file the hearing request by UPS overnight delivery, but had provided an incorrect address. DEA has previously held that this type of inadvertence may establish "good cause" to excuse an untimely hearing request, at least when the party promptly moves to rectify the omission. *Tony Bui,* 75 FR 49979, 49980 (2010).

assigned to the Chief Administrative Law Judge (hereinafter, CALJ).

In the same filing which contained his hearing request, Respondent also sought a "brief stay" of the proceeding, stating that a hearing on the Texas Medical Board's (TMB) emergency suspension order was to commence on November 19, 2015. Respondent further expressed his expectation that "[o]n or shortly after that date . . . the [TMB] will issue an order regarding his challenge to the temporary suspension." Respondent's Req. for Hrng. and Mot. for Brief Stay of Admin. Proceedings, at 1.

The next day, the CALJ denied Respondent's request for a stay and ordered the Government to provide evidence in support of the allegation that Respondent lacks state authority and any accompanying motion, no later than 2 p.m. on November 23, 2015. CALJ Order, at 2 (Nov. 6, 2015). The CALJ also ordered that if the Government filed such a motion, Respondent's Reply would be due no later than 2 p.m. on December 3, 2015. *Id.*

On November 18, 2015, the Government filed its Motion for Summary Disposition. Therein, the Government argued that it was undisputed that Respondent's medical license has been suspended by the State, and while Respondent argued that the TMB was to hold a hearing on the suspension, whether and when the TMB would lift its order was "a matter of speculation." Mot. at 3. The Government thus argued that even where a registrant's state authority has been temporarily suspended, revocation of his registration is still warranted because the registrant must possess authority to handle controlled substances under state law in order for the Agency to maintain his registration. *Id.* at 3–4. As support for its Motion, the Government attached the Order of Temporary Suspension (Without Notice of Hearing), which was issued to Respondent by the TMB's Disciplinary Panel on September 28, 2015.

On December 3, 2015, Respondent filed its Opposition to the Government's Motion. Therein, he argued that both the Controlled Substances Act (CSA) and DEA's regulations require that if a registrant "requests a hearing, the agency is required to provide such a hearing." Resp. Opp., at 1 (citing 21 U.S.C. 824(c); 21 CFR 1301.36(d) and 1301.37(d)). He also argued that "[t]here are no provisions in DEA's regulations or the CSA that allow for summary disposition whereby Respondent's right to a hearing is denied." *Id.* And he argued that Title 5 (the Administrative Procedure Act) "requires an 'agency hearing' in every case in which a statute requires adjudication to be determined on the record," and that 5 U.S.C. 554 does not contain "an exception for 'summary disposition.'" *Id.* at 2.

Respondent also argued that the Agency's position that the possession of state authority is a condition for maintaining a DEA registration is based on a misreading of the term "practitioner," *id.* at 3–4, which the CSA defines as meaning "a physician . . . or other person licensed, registered, or otherwise permitted, by the United States or the jurisdiction in which he practices to . . . dispense . . . a controlled substance in the course of professional practice." 21 U.S.C. 802(21). More specifically, Respondent argued that because the definition uses the disjunctive "or," rather than the conjunctive of "and," this "clearly signals Congress' intent that a practitioner is one who either has state authority or federal authority to prescribe or dispense controlled substances." *Id.* at 4. And finally, Respondent argued that under 21 U.S.C. 843(a), the Agency "may revoke a registration based on the suspension or revocation of state authority to dispense controlled substances, not that it must revoke based on those allegations." *Id.* at 5. Respondent then contended that granting summary disposition was "inappropriate" because he "intend[ed] to present evidence that his registration is consistent with the public interest notwithstanding the status of [sic] state license," and he "is challenging the loss of his state authority and until his rights are exhausted, there exists a real prospect that his state authority will be reinstated." *Id.*

Finding that "no genuine dispute exists over the fact that the Respondent lacks state authority to handle controlled substances," the CALJ concluded that because Respondent lacks such authority, "Agency precedent dictates that he is not entitled to maintain his DEA registration." Order Granting Govt. Mot. for Summ. Disp., at 9. Noting that "there is no contested factual matter adducible at a hearing that would, in the Agency's view, provide authority to allow the Respondent to continue to hold his" registration, the CALJ granted the Government's motion for summary disposition and recommended that his "registration be revoked" and that "any pending applications for renewal be denied." *Id.* at 9–10 (bold and capitalization deleted).

Respondent filed Exceptions to the CALJ's Order and the Government filed a Response to Respondent's Exceptions. Thereafter, the record was forwarded to me for Final Agency Action. Having considered the record including Respondent's Exceptions, I adopt the CALJ's finding that Respondent lacks authority under Texas law to handle controlled substances, and his conclusion of law that Respondent is not entitled to maintain his registration. For reasons explained below, I will also adopt the ALJ's recommendation but only with respect to Respondent's Certificate of Registration BS4072637. I make the following findings.

Findings of Fact

Respondent is the holder of DEA Certificate of Registration BS4072637, pursuant to which he is authorized to dispense controlled substances in schedules II through V, as a practitioner, at the address of 11037 FM 1960 West, Suite B1, Houston, Texas. Mot. for Summ. Disp., at Attachment 2. Under this registration, Respondent is also authorized to treat up to 100 patients as a DATA-waived physician. *Id.* This registration does not expire until February 28, 2018. *Id.*

Respondent also previously held DEA Certificate of Registration FS1975359, pursuant to which he was authorized to dispense controlled substances in schedules II through V, as a practitioner, at the address of 3074 College Park Drive, Conroe, Texas. Mot. for. Summ. Disp., at Attachment 3. This registration was due to expire on February 29, 2016, *id.*, and according to the registration records of this Agency of which I take official notice, Respondent has not filed a timely renewal application (let alone any application to renew this registration).[2] Accordingly, I find that this registration has expired. *See* 21 CFR 1301.36(i).

Respondent is also the holder of Texas Medical License No. K–2282. *In re Saqer,* Order of Temporary Suspension (Without Notice of Hearing), at 1 (Tex. Med. Bd. Sept. 28, 2015). However, on September 28, 2015, the Disciplinary Panel of the Texas Medical Board entered an Order of Temporary Suspension against Respondent's medical license following an *ex-parte* hearing on the Board's Application for

[2] Under the Administrative Procedure Act (APA), an agency "may take official notice of facts at any stage in a proceeding—even in the final decision." U.S. Dept. of Justice, *Attorney General's Manual on the Administrative Procedure Act* 80 (1947) (Wm. W. Gaunt & Sons, Inc., Reprint 1979). In accordance with the APA and DEA's regulations, Respondent is "entitled on timely request to an opportunity to show to the contrary." 5 U.S.C. 556(e); *see also* 21 CFR 1316.59(e). To allow Respondent the opportunity to refute the facts of which I take official notice, Respondent may file a motion for reconsideration within ten calendar days of service of this order which shall commence on the date this order is mailed.

Temporary Suspension (Without Notice of Hearing). *Id.* at 4.

As the basis for the Order, the Panel found that on September 22, 2015, a search warrant was executed at a pain management clinic owned by Respondent, during which DEA agents "obtained evidence establishing that Respondent pre-signed treatment notes, pre-signed prescriptions and illegally maintained schedule II controlled substances in his personal office." *Id.* at 2. The Panel also found "that patients of [the clinic] were sometimes seen by unlicensed individuals that would fill in the records and prescriptions to make it appear that Respondent had seen the patient and written the prescription." *Id.* The Panel thus found that "Respondent engaged in illegal activities related to his operation of [the clinic], and engaged in the inappropriate prescribing, dispensing, or administering of controlled substances, and therefore Respondent has committed violations of state and federal law, including the Medical Practice Act and Board Rules." *Id.*

The Panel concluded that "Respondent's continued practice of medicine, including improper and illegal activities related to his operation of a pain management clinic, and including the method and manner in which controlled substances were prescribed and maintained, poses a continuing threat to public welfare." *Id.* Based on these findings, the Panel found "a continuing threat to the public health, safety, or welfare that requires immediate effect of this Order of Temporary Suspension on the date rendered." *Id.* And after setting forth its legal conclusions that Respondent violated multiple provisions of the Medical Practice Act, the Panel ordered that Respondent's medical license be suspended. *Id.* at 3–4.

On November 19, 2015, the Disciplinary Panel conducted a hearing at which Respondent appeared and was represented by counsel. *In re Saqer,* Order of Temporary Suspension (With Notice of Hearing), at 1 (Tex. Med. Bd. Nov. 19, 2015). However, following the hearing, the Board made the same factual findings and legal conclusions as it had at the *ex parte* proceeding, *see id.* at 1–4, and it again ordered the temporary suspension of Respondent's medical license. *Id.* According to the online records of the Texas Medical Board, the suspension remains in effect. I therefore find that Respondent is currently without authority to dispense controlled substances in Texas, the State in which he is engages in professional practice and holds his DEA registration.

Discussion

Respondent's Contention That DEA Cannot Use Summary Disposition to Adjudicate This Matter

As explained above, in his Opposition to the Government's Motion, Respondent contends that because he requested a hearing, under the Agency's regulation, the Agency was required to provide him with a hearing. Opp. at 1–3. He further contends that there are no provisions in either the CSA or the Agency's regulations that allow for summary disposition, thereby denying him his right to a hearing. *Id.* at 2–3.

However, numerous courts, including the Supreme Court, have held that even where a statute directs an agency to provide a party with a hearing, the agency can nonetheless resolve the matter on summary disposition when there are no material facts in dispute. *See, e.g., Veg-Mix, Inc.* v. *Department of Agriculture,* 832 F.2d 601, 607 (D.C. Cir. 1987). As the DC Circuit explained in *Veg-Mix,* "[c]ommon sense suggests the futility of hearings where there is no factual dispute of substance." *Id.*[3] *See also NLRB* v. *International Ass'n of Bridge, Structural and Ornamental Ironworkers,* 549 F.2d 634, 639 (9th Cir. 1977) (" 'It is settled law that when no fact question is involved or the facts are agreed, a plenary, adversary administrative proceeding involving evidence, cross-examination of witnesses, etc., is not obligatory, even though a pertinent statute prescribes a hearing. In such situations, the rationale is that Congress does not intend administrative agencies to perform meaningless tasks.' ") (quoting *United States* v. *Consolidated Mines & Smelting Co., Ltd.,* 455 F.2d 432, 453 (9th Cir. 1971)).[4] *Cf. Weinberger* v. *Hynson, Westcott and Dunning, Inc.,* 412 U.S. 609, 620–22 (1973) (upholding agency's authority to dispense with a formal hearing where applicant has not provided any evidence that it meets statutory standards).

Notably, while Respondent was given the opportunity to demonstrate the existence of a factual dispute as to whether he retains state authority, he could not do so, as even after he was allowed to appear before the Board and challenge the temporary suspension of his license, the Board re-imposed the suspension. However, even in the absence of a disputed material fact, Respondent contends that "summary disposition [was] inappropriate," because he "intend[ed] to present evidence that his registration is consistent with the public interest notwithstanding the status of [his] state license." Opp. at 5. The short answer to this argument is that even if Respondent could show that his registration is consistent with the public interest, his lack of state authority precludes his continued registration under the CSA, and it is the Government and not Respondent who decides what ground or grounds to pursue when seeking the revocation of his registration.

Respondent's Challenge to the Agency's Authority To Revoke His Registration

Respondent nonetheless maintains that the Agency's rule that a practitioner's loss of his "state authority is an automatic bar to maintaining a DEA registration" is based "on a misreading of the CSA." Resp. Exceptions, at 1–2. In his Exceptions, Respondent contends that "[f]or proceedings seeking the revocation of a DEA registration, the [A]gency derives its authority from 21 U.S.C. 824, not 21 U.S.C. 823, and 21 U.S.C. 824 does not support the [A]gency's position that it must revoke a DEA registration in all instances where a registrant lacks state authority." *Id.* at 2.

To be sure, section 824(a) states, in relevant part, that "[a] registration pursuant to section 823 of this title to manufacture, distribute, or dispense a controlled substance or list I chemical may be suspended or revoked . . . upon a finding that the registrant . . . has had his State license or registration suspended, revoked, or denied by competent State authority and is no longer authorized by State law to engage in the manufacturing, distribution or dispensing of controlled substances or list I chemicals." 21 U.S.C. 824(a)(3). Thus, Respondent is correct that section 824 grants the Attorney General discretion and does not mandate the revocation of a "registration in all instances where a registrant lacks state authority." Resp. Exceptions, at 2.

Indeed, in *Bio-Diagnostic International,* 78 FR 39327 (2013), a

[3] While Respondent noted that the Agency's rules regarding the conduct of hearings do not include a provision which expressly authorizes the use of summary disposition, this Agency has used summary disposition to resolve proceedings based on a registrant's loss of his/her state authority for nearly 40 years. *See, e.g., Alfred Tennyson Smurthwaite, N.D.,* 43 FR 11873 (1978). There are hundreds of such cases reported in the **Federal Register**. Contrary to Respondent's contention that the Agency cannot rely on summary disposition in the absence of a regulation which expressly allows for it, "[i]t is well established that agencies are free to announce and develop rules in an adjudicatory setting." *Puerto Rico Aqueduct and Sewer Auth.* v. *EPA,* 35 F.3d 600 607 (1st Cir. 1994) (citing *NLRB* v. *Bell Aerospace Co.,* 416 U.S. 267, 294 (1974)).

[4] *See also Travers* v. *Shalala,* 20 F.3d 993, 998 (9th Cir. 1994) (quoting *Consolidated Mines,* 455 F.2d at 453).

case involving a list I chemical distributor which did not possess state authority, the Agency held that granting summary disposition to the Government on this basis was improper because neither the provision setting forth the standards for the registration of list I distributors, nor the definition of a distributor, requires that a distributor possess state authority in order to be registered.[5] While *Bio-Diagnostic* involved an application, in a footnote, the decision explained that while "section 824(a)(3) authorizes revocation where a registrant 'has had [its] State license suspended, revoked, or denied by competent state authority and is no longer authorized by State law to engage in the manufacturing [or] distribution of . . . list I chemicals[,]' [this] does not mean that revocation is warranted in all instances." *Id.* at 39330 n.6. Continuing, the decision explained that "[t]his provision grants the Agency discretionary authority to impose an appropriate sanction; the failure to consider factors such as the egregiousness of the misconduct and mitigating factors in imposing the sanction would render the sanction arbitrary and capricious." *Id.*

Respondent is not, however, a List I chemical distributor. Rather, he is a practitioner, and by contrast to the CSA's provisions applicable to list I distributors, both the CSA's definition of the term "practitioner" and the registration provision applicable to practitioners make clear that a practitioner must be currently authorized to dispense controlled substances by the State in which he practices in order to obtain and maintain a registration.

As for the registration provision applicable to practitioners, it provides, in relevant part, that: "[t]he Attorney General shall register practitioners . . . to dispense . . . controlled substances . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices." 21 U.S.C. 823(f). As the Supreme Court explained in *United States* v. *Moore*, 423 U.S. 122, 140–41 (1975), "[r]egistration of physicians and other practitioners is mandatory if the applicant is authorized to dispense drugs . . . under the law of the State in which he practices. [21 U.S.C.] § 823(f). In the case of a physician, this scheme contemplates that he is authorized by the State to practice medicine and to dispense drugs in connection with his professional practice."[6]

Thus, the CSA defines "[t]he term 'practitioner' [to] mean[] a physician . . . or other person licensed, registered, or otherwise permitted, by the United States or the jurisdiction in which he practices to . . . dispense . . . a controlled substance in the course of professional practice." 21 U.S.C. 802(21). As noted above, in his Opposition, Respondent argued that "[t]he use of the disjunctive 'or' clearly signals Congress' intent that a practitioner is one who either has state authority or federal authority to prescribe or dispense controlled substances[,]" and that "[h]ad Congress required that a practitioner maintain both state and federal authority to handle controlled substances, it would have used the word 'and.'" Resp. Opp. at 4. Continuing, Respondent argued that "[w]hile it is not entirely clear why Congress took this approach . . . the clear statutory language" refutes the Government's argument that "a lack of state licensure [is] an automatic bar to maintaining a DEA registration." *Id.*

Respondent is mistaken. As for why Congress used the disjunctive rather than the conjunctive in defining the term practitioner, notwithstanding the absence of any relevant discussion in the CSA's legislative history, there is an explanation. While the overwhelming majority of practitioners who practice medicine (or dentistry and veterinary medicine) are subject to regulation by the State in which they practice their professions, multiple federal Departments and Agencies (*e.g.*, the Department of Defense, Veterans Administration, Bureau of Prisons, United States Public Health Service, and Indian Health Service) employ practitioners. However, by virtue of the Supremacy Clause, these health-care professionals are not subject to regulation by the State in which the federal facility is located as long they confine their practice to the facility. *See Taylor* v. *United States*, 821 F.2d 1428, 1431 (9th Cir. 1987) (noting that under the Supremacy Clause, a State "lacks power to require licensing of federal health care providers and physicians" and that "[t]he United States has essentially deemed [an] Army [h]ospital and its staff fit to provide health care services"); *United States* v. *Composite State Bd. of Med. Exmn'rs*, 656 F.2d 131, 135 n.4 (5th Cir. 1981) (citing *Sperry* v. *Florida ex rel. Florida Bar*, 373 U.S. 379 (1963) ("A State may not enforce licensing requirements that, though valid in the absence of federal regulation, give the state's licensing board a virtual power of review over the federal determination that a person is qualified to perform certain functions.").

Thus, Congress used the word "or" only to distinguish between those practitioners who practice at federal facilities and are subject to the licensing requirements of the United States,[7] and the vast majority of practitioners who are subject to the licensing requirements of the State in which they practice their profession. And while the Agency has exempted from "[t]he requirement of registration . . . any official of" the military, the Public Health Service, or Bureau of Prisons who is authorized to prescribe, dispense, or administer, but not to procure or purchase, controlled substances in the course of his/her official duties," 21 CFR 1301.23(a), these practitioners otherwise remain subject to the Act. *See, e.g.*, 21 U.S.C. 829(a) ("Except when dispensed directly by a practitioner, other than a pharmacist, to an ultimate user, no controlled substance in schedule II, which is a prescription drug as determined under the [FDCA], may be dispensed without the written prescription of a practitioner, except [for] in emergency situations, as prescribed by . . . regulation . . . ."); 21 CFR 1306.04(a) ("A prescription for a controlled substance to be effective must be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice.").

Respondent further asserts that "[h]ad Congress required that a practitioner maintain both state and federal authority to handle controlled substances, it would have used the word 'and.'" Resp. Opp. at 4. Were this the case, any practitioner who is no longer

[5] The decision did note, however, that where a list I distributor was required to obtain state authority and had not done so, this could be considered under the public interest factor which examines "compliance by the applicant with applicable Federal, State and local law." 78 FR at 39330–31 (quoting 21 U.S.C. 823(h)(2)).

[6] While in 1984 Congress granted the Attorney General authority to deny a registration on public interest grounds, the provision did not alter the CSA's requirement that a practitioner must be "authorized by the State to practice medicine" and dispense drugs in order to be registered.

[7] As a general matter, federal entities that employ physicians require only that the physician hold a medical license in one of the 50 States. *See* U.S. Public Health Service, Job Requirements (available at *www.usphs.gov/profession/physician/requirements.aspx*) (requiring that a physician have a "[c]urrent, unrestricted, and valid medical license to practice in one of the 50 states; Washington, DC; Commonwealth of Puerto Rico; U.S. Virgin Islands; or Guam"; Indian Health Service, Indian Health Manual, Part 3–1.4(C)(5) ("Members of the medical staff and others who must apply for clinical privileges must hold an active and unrestricted State license, certification, or registration, as applicable, to practice in their professional field."); VA Careers (available at *www.vacareers.va.gov/careers/physicians/credentially.asp*) ("At VA, only one active, unrestricted state license is required to practice in every VA facility across all 50 States, the District of Columbia, and U.S. Territories.").

authorized to practice medicine by his State (even those who engaged in drug dealing) would nonetheless still be allowed to dispense controlled substances under their federal registration. The argument is, however, refuted by the CSA's definition of the term "dispense" to "mean[ ] to deliver a controlled substance to an ultimate user or research subject by, or pursuant to *the lawful order* of, a practitioner, including the prescribing and administering of a controlled substance." 21 U.S.C. 802(10) (emphasis added). Because Respondent is required to possess state authority to dispense controlled substances in Texas, and by virtue of the Board's Order, no longer holds such authority, he cannot issue a "lawful order" to deliver a controlled substance. And he therefore no longer meets the requirement for being a registered practitioner under the Act.

Respondent further argues that "had Congress wanted the lack of a state license to be an automatic bar to maintaining a DEA registration, it would have used the word 'shall' " rather than "may" in section 824. He argues that "if DEA understood that to be what Congress intended the agency could have added lack of state licensure to one of the grounds for immediate termination of a DEA registration found in 21 CFR 1301.52(a). It chose not too [sic], presumably because DEA knew it had no such authority." Resp. Opp. at 4–5.

It is not clear, however, why using the word "shall" rather than "may" would make any difference, as section 824(a) grants the Agency authority to either revoke or suspend. Moreover, were it the case that section 824(a) used the word "shall," the Agency would be mandated to either suspend or revoke a registration upon making one of the enumerated findings, regardless of how persuasive a registrant's showing was on issues of remediation where, as in a proceeding brought under the public interest authority, such a showing is authorized.

As this Agency has previously explained, Section 824(a)'s grant of authority to suspend or revoke a registration applies across all categories of registration, including manufacturers, distributors, importers, exporters, narcotic treatment programs, list I distributors, and practitioners. And it applies to five different grounds for sanctioning a registrant. As the Agency has previously explained, "this general grant of authority in imposing a sanction must be reconciled with the CSA's specific provisions which mandate that a practitioner hold authority under state law in order to obtain and maintain a DEA registration." *James L. Hooper,* 76 FR 71371, 71372 (2011), *pet. for rev. denied, Hooper* v. *Holder,* 481 Fed. App'x 826 (4th Cir. 2012). *See also Gozlon-Peretz* v. *United States,* 498 U.S. 395, 407 (1991) ("A specific provision controls over one of more general application."); *Bloate* v. *United States,* 559 U.S. 196, 207 (2010) ("language of a statutory provision, although broad enough to include it, will not be held to apply to a matter specifically dealt with in another part of the same enactment.' ").

Thus, in *Hooper* v. *Holder,* a physician whose state authority was suspended for a period of one year, challenged the revocation of his registration, arguing that the Agency "failed to recognize the discretion under § 824(a) to revoke or suspend a registration and that it was impermissible for the [Agency] to conclude that the CSA requires revocation of a practitioner's DEA registration when the practitioner's State license is suspended." 481 Fed. App'x, at 826. The Fourth Circuit rejected the physician's challenge, explaining:

> We find Hooper's contention unconvincing. Section 824(a) does state that the [Agency] may "suspend or revoke" a registration, but the statute provides for this sanction in five different circumstances, only one of which is loss of a State license. Because § 823(f) and § 802(21) make clear that a practitioner's registration is dependent upon the practitioner having state authority to dispense controlled substances, the [Agency's] decision to construe § 824(a)(3) as mandating revocation upon suspension of a state license is not an unreasonable interpretation of the CSA. The [Agency's] decision does not "read[ ] the suspension option" out of the statute, because that option may still be available for the other circumstances enumerated in § 824(a).

Id.[8] *See also Maynard* v. *DEA,* 117 Fed. Appx. 941, 945 (5th Cir. 2004) (upholding revocation of DEA registration after Texas DPS summarily suspended practitioner's controlled substance registration, noting that the Agency "has construed the CSA to require revocation when a registrant no longer possesses valid state authority to handle controlled substances"; "We agree with [the] argument that it may have been arbitrary and capricious had the DEA failed to revoke [the physician's] registration under the circumstances.").

Indeed, DEA has interpreted the CSA in this manner for nearly 40 years. *See Frederick Marsh Blanton, M.D.,* 43 FR 27616 (1978). In *Blanton,* a physician's state license was suspended for a period of one year. *Id.* at 27616. The Agency nonetheless revoked the physician's registration, explaining that "it is the Administrator's finding and conclusion that there is a lawful or statutory basis for the revocation of the Respondent's DEA registration. *State authorization to dispense or otherwise handle controlled substances is a prerequisite to the issuance and maintenance of a Federal controlled substances registration.* The Respondent's registration must, therefore, be revoked." *Id.* at 27617 (emphasis added). *See also Alfred Tennyson Smurthwaite,* 43 FR at 11873 (same). Moreover, on various occasions, Congress has amended the CSA, including in 1984, when it granted the Agency the authority to revoke a practitioner's registration on the ground that he had committed acts inconsistent with the public interest. *See* Drug Enforcement Amendments to the Comprehensive Crime Control Act of 1984. *See* P.L. 98–473, § 512, 98 Stat. 1838, 2073 (1984). Yet it has left the Agency's interpretation intact. *See NLRB* v. *Bell Aerospace Co.,* 416 U.S. 267, 275 (1974).

The Agency has also long held that revocation is warranted even where a practitioner has lost his state authority by virtue of the State's use of summary process and the State has yet to provide a hearing to challenge the suspension. *Bourne Pharmacy,* 72 FR 18273, 18274 (2007); *Wingfield Drugs,* 52 FR 27070, 27071 (1987). Indeed, as this case demonstrates, state proceedings can go on for an extended period, and thus, it is not DEA's policy to hold revocation proceedings in abeyance while practitioners challenge Board decisions which suspend or revoke their state authority.

Respondent argues, however, that "the agency's decision [in *Odette Campbell,* 80 FR 41062 2015)] to remand the matter and allow administrative proceedings to be conducted by the ALJ (and ultimately hold proceedings in abeyance), pending the outcome of state board proceedings[,] undermines . . . the agency's notion that it must revoke a DEA registration in all instances where a registrant lacks state authority, rendering an administrative hearing unnecessary." Exceptions at 2. Respondent then asserts that "[w]hile the agency conjured up a Due Process

[8] As for Respondent's contention that if Congress intended that lack of a state license should be an automatic bar, the Agency could have made this a ground for immediate termination without a hearing, the argument ignores that by requiring the Agency to serve a Show Cause Order on the registrant, and affording the registrant an opportunity to respond, the procedures reduce the risk of an erroneous deprivation. *See Mathews* v. *Eldridge,* 424 U.S. 319 (1976).

argument to support its decision in [*Campbell*], in doing so it implicitly held that lack of state authority is not an automatic bar to holding a DEA registration." *Id.* Respondent further asserts that "[w]hile declaring that Due Process was the basis for this decision, the only outcome that could have been reached in that case, if the [A]gency followed its own case law, was the revocation of Dr. Campbell's DEA registration as the DEA proceedings would not have changed the fact that she did not have state authority to handle state authority to handle controlled substances." *Id.* at 2–3.

Respondent's reliance on *Campbell* is unavailing because he ignores critical aspects of the case's procedural history. For one, the case began when DEA issued an Order to Show Cause and Immediate Suspension of Registration (ISO) to the physician, which was based on allegations that she violated various provisions of the Controlled Substances Act. 80 FR at 41063 n.3. Thereafter, the Texas Medical Board suspended her medical license and the Texas Department of Public Safety suspended her state controlled substance registration based on the Agency's issuance of the ISO. *Id.* The Government then moved for summary disposition on the ground that the physician lacked authority to dispense controlled substances under Texas law and the ALJ granted the motion. *Id.*

While the matter was under review, the physician submitted a letter to the ALJ (which was forwarded to the Administrator), in which she asserted that the Medical Board had reinstated her license. *Id.* After the Government responded by letter to the ALJ that the physician was still without state authority because her DPS registration had been revoked, Respondent submitted a letter to the ALJ asserting that her DPS registration could not be reinstated unless her DEA registration was reinstated. *Id.*

Noting that parties had directed their letters to each other and the ALJ, and that neither party had sought relief from her, the former Administrator directed the Government to file a properly supported motion seeking a final order based on the physician's lack of state authority. *Id.* The Government filed its request, which Respondent opposed, arguing that because the DPS's action was based on the unsubstantiated allegations of the ISO, it was fundamentally unfair and a denial of due process to revoke her DEA registration based on the DPS's action. *Id.*

On further review, the former Administrator observed that "it appeared that under Texas law and regulations, Respondent was not entitled to a hearing before the DPS to challenge either the DPS's suspension or the denial of her application for a new registration." *Id.* (citing Tex. Health & Safety Code § 481.063(e)(3) & (h); *id.* § 481.066(g); 37 Tex. Admin. Code § 13.272(h)). The Administrator then explained that "if this was so, revoking her [DEA] registration based on her lack of state authority would preclude her from ever being able to challenge the basis of the Immediate Suspension Order." *Id.* The Administrator thus remanded the case, instructing the ALJ "to first determine whether the DPS would provide [the respondent] with a hearing on the allegations." *Id.* The Administrator further instructed that if the DPS had provided or would provide respondent with a hearing, the Government could renew its motion for summary disposition. *Id.* However, if DPS would not provide her with a hearing, the ALJ was to conduct a hearing on the allegations of the Show Cause Order and ISO. *Id.*

In short, there was nothing "conjured up" in the Agency's due process rationale, which recognized only that due to the vagaries of Texas law,[9] the Agency's litigation strategy might well result in the respondent having no meaningful opportunity to challenge the allegations which both the Agency and the DPS had relied on in suspending their respective registrations. As for Respondent's contention that revocation was "the only outcome that could have been reached . . . as the DEA proceedings would not have changed the fact that she did not have state authority to handle controlled substances," Respondent ignores that DPS imposed its suspension based solely on the Agency's ISO and that if the physician succeeded in challenging the ISO, the basis for the DPS' suspension would no longer exist. And Respondent further ignores that in her remand order, the Administrator provided that the Government could move for summary disposition if it could show that DPS would provide the physician with a hearing.[10]

Accordingly, I reject Respondent's contentions.[11] Because Respondent lacks state authority to dispense controlled substances, he is not entitled to maintain his DEA registration. I will therefore order that his remaining registration be revoked.

Order

Pursuant to the authority vested in me by 21 U.S.C. 824(a)(3) and 823(f), as well as 28 CFR 0.100(b), I order that DEA Certificate of Registration BS4072637 issued to Rezik A. Saqer, M.D., be, and it hereby is, revoked. I further order that any application by Rezik A. Saqer, M.D., for registration in the State of Texas, be, and it hereby is, denied. This Order is effective immediately.[12]

[9] *See* Tex. Health & Safety Code § 481.066(g) (State Administrative Procedure Act "does not apply to a . . . suspension of a registration for a cause described by Section 481.063 . . . (e)(3)," which includes the suspension of a registration under the CSA); 37 Tex. Admin. Code § 13.272(h) ("Under the Act, § 481.0639(h), the [State Administrative Procedure Act] does not apply to a denial, suspension, or revocation of an application for registration if the denial is based on a denial or other disciplinary action taken by DEA under the Federal Controlled Substances Act.").

[10] As for Respondent's assertion that the Administrator's decision to hold the *Campbell* case in abeyance, pending the outcome of state board proceedings, "undermines . . . the [A]gency's notion that it must revoke a DEA registration in all instances where a registration lacks state authority," Exceptions at 2, Respondent ignores that at the time the proceeding was held in abeyance, the physician (who had been indicted on multiple counts of health care fraud) had allowed her registration to expire and had only an application pending before the Agency. Moreover, the physician then held both a state license and state controlled substance registration. *See* 80 FR at 41063. The case thus does not support Respondent's contention.

[11] Respondent also points to a provision of the DEA Pharmacist's Manual, which allows an entity to obtain a registration for a pharmacy it is acquiring prior to the State's issuance of a pharmacy license for that location. Opp. at 5. Respondent asserts that "[w]hile the Agency is permitted to interpret its regulations, it is not free to contradict its long-standing policy that a state license is not a prerequisite to obtaining a DEA registration when doing so is simply a convenient litigation position designed to prevent a registrant from proving that the underlying state action was erroneous." *Id.* at 5–6.

However, the Pharmacist's Manual makes clear that provision applies only "[i]f the registrant acquiring the pharmacy owns at least one other pharmacy *licensed* in the same state as the pharmacy being transferred," and that while the registrant may take possession of the controlled substances, "the registrant may not dispense controlled substances until the pharmacy haw been issued a valid state pharmacy license." DEA, Pharmacists Manual, at 10 (2010) (emphasis added). This policy exists because some States will not grant a pharmacy license to the acquiring pharmacy until DEA issues it a registration. However, the period in which the registrant is without the state license for the acquired pharmacy is typically of short duration.

As for Respondent's assertion that the Agency's position "is simply a convenient litigation position designed to prevent a registrant from proving that the underlying state action was erroneous," not only is this refuted by nearly 40 years of precedent (and hundreds of cases), the Agency has also made clear in multiple cases that a challenge to a state board proceeding must be litigated in the forums provided by the State. *See Kamal Tiwari*, 76 FR 71604, 71606 (2011) (collecting cases); *see also George S. Heath*, 51 FR 26610 (1986).

[12] For the same reasons which led the Texas Board to order the emergency suspension of Respondent's medical license, I conclude that the public interest necessitates that this Order be effective immediately. 21 CFR 1316.67.

Dated: April 5, 2016.

Chuck Rosenberg,

Acting Administrator.

[FR Doc. 2016–08572 Filed 4–13–16; 8:45 am]

BILLING CODE 4410–09–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (16–027)]

Notice of Intent To Grant a Partially Exclusive License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of intent to grant a partially exclusive license.

SUMMARY: This notice is issued in accordance with 35 U.S.C. 209(e) and 37 CFR 404.7(a)(1)(i). NASA hereby gives notice of its intent to grant a partially exclusive license in the United States to practice the invention described and claimed in U.S. Patent Application Serial No. 14/196,203 entitled Vibration Damping Circuit Card Assembly to TopLine Corporation, having its principal place of business in Irvine, CA. The patent rights in these invention have been assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. The prospective partially exclusive license will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7.

DATES: The prospective partially exclusive license may be granted unless, within fifteen (15) days from the date of this published notice, NASA receives written objections including evidence and argument that establish that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7. Competing applications completed and received by NASA within fifteen (15) days of the date of this published notice will also be treated as objections to the grant of the contemplated exclusive license.

Objections submitted in response to this notice will not be made available to the public for inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

ADDRESSES: Objections relating to the prospective license may be submitted to Mr. James J. Mcgroary, Chief Patent Counsel/LS01, Marshall Space Flight Center, Huntsville, AL 35812, (256) 544–0013.

FOR FURTHER INFORMATION CONTACT: Mr. Sammy A. Nabors, Technology Transfer Office/ZP30, Marshall Space Flight Center, Huntsville, AL 35812, (256) 544–5226. Information about other NASA inventions available for licensing can be found online at *http://technology.nasa.gov.*

Mark P. Dvorscak,

Agency Counsel for Intellectual Property.

[FR Doc. 2016–08546 Filed 4–13–16; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTUICS AND SPACE ADMINISTRATION

[Notice (16–028)]

Notice of Intent To Grant a Partially Exclusive License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of intent to grant a partially-exclusive license.

SUMMARY: This notice is issued in accordance with 35 U.S.C. 209(e) and 37 CFR 404.7(a)(l)(i). NASA hereby gives notice of its intent to grant a partially exclusive license in the United States to practice the invention described and claimed in U.S. Non-Provisional Patent Application, Application No. 14/714,756, titled "Auto-Tracking Antenna Platform," NASA Case No. DRC–013–031, and any issued patents or continuations-in-part resulting therefrom, to Mobile Antenna Platform Systems, Inc. having its principal place of business in Navarre, Florida. Certain patent rights in this invention have been assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. The prospective partially exclusive license will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7.

DATES: The prospective partially exclusive license may be granted unless, within fifteen (15) days from the date of this published notice, NASA receives written objections including evidence and argument that establish that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR. 404.7. Competing applications completed and received by NASA within fifteen (15) days of the date of this published notice will also be treated as objections to the grant of the contemplated partially exclusive license.

Objections submitted in response to this notice will not be made available to the public for inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

ADDRESSES: Objections relating to the prospective license may be submitted to Patent Counsel, NASA Management Office, Jet Propulsion Laboratory, 4800 Oak Grove Drive, M/S 180–800C, Pasadena, CA 91109, (818) 854–7770 (phone), 818–393–2607 (fax).

FOR FURTHER INFORMATION CONTACT: Mark Homer, Patent Counsel, NASA Management Office, Jet Propulsion Laboratory, 4800 Oak Grove Drive, M/S 180–800C, Pasadena, CA 91109, (818) 854–7770 (phone), 818–393–2607 (fax). Information about other NASA inventions available for licensing can be found online at *http://technology.nasa.gov*

Mark P. Dvorscak,

Agency Counsel for Intellectual Property.

[FR Doc. 2016–08547 Filed 4–13–16; 8:45 am]

BILLING CODE 7510–13–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–382; NRC–2016–0078]

Entergy Operations, Inc.; Waterford Steam Electric Station, Unit 3

AGENCY: Nuclear Regulatory Commission.

ACTION: License renewal application; receipt.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has received an application for the renewal of operating license NPF–38, which authorizes Entergy Operations, Inc. (the applicant) to operate the Waterford Steam Electric Station, Unit 3 (Waterford 3). The renewed license would authorize the applicant to operate Waterford 3 for an additional 20-year period beyond the period specified in the current license. The current operating license for Waterford 3 expires at midnight on December 18, 2024.

DATES: The license renewal application referenced in this document is available on April 14, 2016.

ADDRESSES: Please refer to Docket ID NRC–2016–0078 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2016–0078. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER**

INFORMATION CONTACT section of this document.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Document collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select "ADAMS Public Documents" and then select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The license renewal application is available in ADAMS under Accession No. ML16088A324.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Phyllis Clark, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–6447; email: *Phyllis.Clark@nrc.gov.*

SUPPLEMENTARY INFORMATION:

The NRC has received an application from Entergy Operations, Inc., dated March 23, 2016, filed pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, and part 54 of title 10 of the *Code of Federal Regulations,* to renew the operating license for Waterford 3. Renewal of the license would authorize the applicant to operate the facility for an additional 20-year period beyond the period specified in the current operating license. The current operating license for Waterford 3 expires at midnight on December 18, 2024. Waterford 3 is a pressurized-water reactor designed by Combustion Engineering and is located in Killona, Louisiana. The acceptability of the tendered application for docketing, and other matters, including an opportunity to request a hearing, will be the subject of subsequent **Federal Register** notices.

A copy of the license renewal application for Waterford 3 is also available to local residents near the site at the St. Charles Parish Library—East Regional Library, 160 W. Campus Drive, Destrehan, Louisiana 70047.

Dated at Rockville, Maryland, this 7th day of April, 2016.

For the Nuclear Regulatory Commission.

Jane E. Marshall,

Acting Director, Division of License Renewal, Office of Nuclear Reactor Regulation.

[FR Doc. 2016–08660 Filed 4–13–16; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2015–0188]

Use of Accreditation in Lieu of Commercial Grade Surveys for Procurement of Laboratory Calibration and Test Services

AGENCY: Nuclear Regulatory Commission.

ACTION: Regulatory issue summary; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing Regulatory Issue Summary (RIS) 2016–01, "Nuclear Energy Institute Guidance for the use of Accreditation in Lieu of Commercial Grade Surveys for Procurement of Laboratory Calibration and Test Services." This RIS informs addressees of guidance prepared by the Nuclear Energy Institute for procurement of calibration and testing services performed by domestic and international laboratories, which the NRC staff has found acceptable for use.

DATES: The RIS is available as of April 14, 2016.

ADDRESSES: Please refer to Docket ID NRC–2015–0188 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0188. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select *"ADAMS Public Documents"* and then select *"Begin Web-based ADAMS Search."* For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The NRC RIS, "Nuclear Energy Institute Guidance for the use of Accreditation in Lieu of Commercial Grade Surveys for Procurement of Laboratory Calibration and Test Services" is available in ADAMS under Accession No. ML15323A346. The NRC staff's responses to comments are available in ADAMS under Accession No. ML15323A345.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.
- This RIS is also available on the NRC's public Web site at *http://www.nrc.gov/reading-rm/doc-collections/gen-comm/reg-issues/* (select "2016" and then select "RIS–16–01").

FOR FURTHER INFORMATION CONTACT: Alexandra Popova, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–2876, email: *Alexandra.Popova@nrc.gov.*

SUPPLEMENTARY INFORMATION: The NRC published a notice of opportunity for public comment on this RIS in the **Federal Register** (80 FR 47957) on August 10, 2015. The agency received comments from nine commenters. The staff considered all comments, which resulted in clarifications to the RIS. The evaluation of these comments and the resulting changes to the RIS are discussed in a publicly available memorandum which is in ADAMS under Accession No. ML15323A345.

Dated at Rockville, Maryland, this 6th day of April 2016.

For the Nuclear Regulatory Commission.

Sheldon D. Stuchell,

Chief, Generic Communications Branch, Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation.

[FR Doc. 2016–08589 Filed 4–13–16; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2014–0040 and NRC–2015–0136]

Neutron-Absorbing Materials in Spent Fuel Pools

AGENCY: Nuclear Regulatory Commission.

ACTION: Generic letter; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is announcing the availability of a final generic letter addressing degradation of neutron-absorbing materials in the spent fuel pool (SFP). The NRC has determined that it is necessary to obtain plant-specific information requested in the generic letter so that the NRC can determine if the degradation of the neutron-absorbing materials in the SFP is being managed to maintain reasonable assurance that the materials are capable of performing their intended design

basis function, and if the addressees are in compliance with the regulations.

DATES: The final generic letter is available as of April 14, 2016.

ADDRESSES: Please refer to Docket ID NRC–2014–0040 and NRC–2015–0136 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0040 and NRC–2015–0136. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the CONTACT section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select *"ADAMS Public Documents"* and then select *"Begin Web-based ADAMS Search."* For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The final generic letter, GL–2016–01, is available in ADAMS under Accession No. ML16097A169.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.
- This generic letter is also available on the NRC's public Web site at *http://www.nrc.gov/reading-rm/doc-collections/gen-comm/gen-letters/* (select "2016" and then select "GL–16–01").

FOR FURTHER INFORMATION CONTACT: Scott Krepel, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–302–0399, email: *Scott.Krepel@nrc.gov.*

SUPPLEMENTARY INFORMATION: The NRC is issuing a final generic letter, GL–2016–01, addressing degradation of neutron-absorbing materials in the SFP. This generic letter requests information from nuclear power plant licensees demonstrating that credited neutron-absorbing materials in the SFP of power reactors and the fuel storage pool, reactor pool, or other wet locations designed for the purpose of fuel storage, as applicable for non-power reactors, are in compliance with the current licensing and design basis, as well as applicable regulatory requirements, and that there are measures in place to maintain this compliance. The information is being requested so that the NRC can determine if it needs to take any additional licensee-specific regulatory action with respect to neutron-absorbing materials in the spent fuel pool.

The NRC published notices of opportunities for public comment on drafts of this generic letter in the **Federal Register** (79 FR 13685, March 11, 2014; 80 FR 31930, June 4, 2015; and 80 FR 81560, December 30, 2015). In total, the agency received 18 comments. The staff considered all comments, which resulted in minor revisions to the generic letter. The evaluation of these comments, and the resulting changes to the generic letter are discussed in the publicly-available documents in ADAMS under Accession Nos. ML14181B130, ML15222A005, and ML16033A002, respectively.

Dated at Rockville, Maryland, this 11th day of April 2016.

For the Nuclear Regulatory Commission.

Sheldon D. Stuchell,

Branch Chief, Generic Communications Branch, Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation.

[FR Doc. 2016–08621 Filed 4–13–16; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2016–119 and CP2016–149; Order No. 3226]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning the addition of First-Class Package Service Contract 51 to the competitive product list. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* April 18, 2016.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. Notice of Commission Action
III. Ordering Paragraphs

I. Introduction

In accordance with 39 U.S.C. 3642 and 39 CFR 3020.30–.35, the Postal Service filed a formal request and associated supporting information to add First-Class Package Service Contract 51 to the competitive product list.[1]

The Postal Service contemporaneously filed a redacted contract related to the proposed new product under 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5. Request, Attachment B.

To support its Request, the Postal Service filed a copy of the contract, a copy of the Governors' Decision authorizing the product, proposed changes to the Mail Classification Schedule, a Statement of Supporting Justification, a certification of compliance with 39 U.S.C. 3633(a), and an application for non-public treatment of certain materials. It also filed supporting financial workpapers.

II. Notice of Commission Action

The Commission establishes Docket Nos. MC2016–119 and CP2016–149 to consider the Request pertaining to the proposed First-Class Package Service Contract 51 product and the related contract, respectively.

The Commission invites comments on whether the Postal Service's filings in the captioned dockets are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comments are due no later than April 18, 2016. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Katalin K. Clendenin to serve as Public Representative in these dockets.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket Nos. MC2016–119 and CP2016–149 to consider the matters raised in each docket.

2. Pursuant to 39 U.S.C. 505, Katalin K. Clendenin is appointed to serve as an

[1] Request of the United States Postal Service to Add First-Class Package Service Contract 51 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data, April 8, 2016 (Request).

officer of the Commission to represent the interests of the general public in these proceedings (Public Representative).

3. Comments are due no later than April 18, 2016.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Stacy L. Ruble,

Secretary.

[FR Doc. 2016–08612 Filed 4–13–16; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2016–120 and CP2016–150; Order No. 3227]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning the addition of Priority Mail Express & Priority Mail Contract 29 to the competitive product list. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* April 18, 2016.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov*. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. Notice of Commission Action
III. Ordering Paragraphs

I. Introduction

In accordance with 39 U.S.C. 3642 and 39 CFR 3020.30-.35, the Postal Service filed a formal request and associated supporting information to add Priority Mail Express & Priority Mail Contract 29 to the competitive product list.[1]

The Postal Service contemporaneously filed a redacted contract related to the proposed new product under 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5. Request, Attachment B.

To support its Request, the Postal Service filed a copy of the contract, a copy of the Governors' Decision authorizing the product, proposed changes to the Mail Classification Schedule, a Statement of Supporting Justification, a certification of compliance with 39 U.S.C. 3633(a), and an application for non-public treatment of certain materials. It also filed supporting financial workpapers.

II. Notice of Commission Action

The Commission establishes Docket Nos. MC2016–120 and CP2016–150 to consider the Request pertaining to the proposed Priority Mail Express & Priority Mail Contract 29 product and the related contract, respectively.

The Commission invites comments on whether the Postal Service's filings in the captioned dockets are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comments are due no later than April 18, 2016. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Curtis E. Kidd to serve as Public Representative in these dockets.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket Nos. MC2016–120 and CP2016–150 to consider the matters raised in each docket.

2. Pursuant to 39 U.S.C. 505, Curtis E. Kidd is appointed to serve as an officer of the Commission to represent the interests of the general public in these proceedings (Public Representative).

3. Comments are due no later than April 18, 2016.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Stacy L. Ruble,

Secretary.

[FR Doc. 2016–08613 Filed 4–13–16; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Mail Classification Schedule Changes Pertaining to Priority Mail International Flat Rate Envelopes and Priority Mail International Small Flat Rate Boxes

AGENCY: Postal Service.

ACTION: Notice.

SUMMARY: The Postal Service hereby provides notice that it has filed a request with the Postal Regulatory Commission to change the Mail Classification Schedule provisions that pertain to Priority Mail International Flat Rate Envelopes and Priority Mail International Small Flat Rate Boxes.

DATES: *Effective date:* April 14, 2016.

FOR FURTHER INFORMATION CONTACT: Christopher C. Meyerson, 202–268–7820.

SUPPLEMENTARY INFORMATION: On April 7, 2016, the United States Postal Service® filed with the Postal Regulatory Commission (Commission) a requested change to the Mail Classification Schedule provisions concerning Priority Mail International Flat Rate Envelopes and Priority Mail International Small Flat Rate Boxes. Documents pertinent to this request are available at *http://www.prc.gov,* Docket No. MC2016–118. The Governors' Decision in connection with the above filing is reprinted below.

Stanley F. Mires,

Attorney, Federal Compliance.

Decision of the Governors of the United States Postal Service on Mail Classification Schedule Changes for Priority Mail International Flat Rate Envelopes and Priority Mail International Small Flat Rate Boxes (Governors' Decision No. 16–1)

March 30, 2016

Statement of Explanation and Justification

Pursuant to our authority under section 404(b) and Chapter 36 of title 39, United States Code, the Governors establish classification changes to Priority Mail International Flat Rate Envelopes (PMI FREs) and PMI Small Flat Rate Boxes (PMI SFRBs).

PMI FREs and PMI SFRBs are Postal Service-branded mailing containers available at no additional cost and used by customers to send documents and small merchandise items abroad. Currently, the Postal Service dispatches PMI FREs and PMI SFRBs in the letter post stream, while all other PMI items are dispatched in the parcel post stream. This results in PMI FREs and PMI SFRBs being subject to different market and operational characteristics. The Postal Service intends to change the dispatch stream for PMI FREs and PMI SFRBs to the international parcel post stream. This change would allow PMI FREs and PMI SFRBs to receive expanded access to tracking services and insurance, which are not routinely

[1] Request of the United States Postal Service to Add Priority Mail Express & Priority Mail Contract 29 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data, April 8, 2016 (Request).

available for ordinary letter post items absent a special arrangement with the destination postal operator. This change will increase delivery costs since foreign postal operators charge higher rates for delivery of parcels as compared to letter post pieces; however, this change will improve the market features of PMI FREs and PMI SFRBs. We have evaluated the classification changes in this context in accordance with 39 U.S.C. 3632–3633 and 39 CFR 3015.5 and 3015.7. We approve the changes, finding that they are appropriate, and are consistent with the regulatory criteria, as indicated by management.

Order

We direct management to file with the Postal Regulatory Commission appropriate notice of these classification changes. The changes in classification set forth herein shall be effective on June 3, 2016.

By The Governors:

James H. Bilbray
Chairman, Temporary Emergency Committee of the Board of Governors

[FR Doc. 2016–08583 Filed 4–13–16; 8:45 am]
BILLING CODE 7710–12–P

REAGAN-UDALL FOUNDATION FOR THE FOOD AND DRUG ADMINISTRATION

[BAC 416404]

Annual Public Meeting

ACTION: Notice of annual meeting.

SUMMARY: The Reagan-Udall Foundation for the Food and Drug Administration (FDA), which was created by Title VI of the Food and Drug Administration Amendments Act of 2007, is announcing its annual public meeting. The purpose of this meeting is to provide an opportunity for the Foundation to engage with its stakeholders and receive public input on its efforts. The meeting will include an organizational update, project updates, open Q & A and the opportunity for public commentary.

DATES: The public meeting will be held on May 26, 2016, from 10 a.m. until 12 noon. Registration to attend the meeting and requests for oral presentation must be received by May 18, 2016. See the **SUPPLEMENTARY INFORMATION** section for information on how to register for the meeting.

ADDRESSES: The public meeting will be held at 901 E St. NW., Washington, DC 20004. Entrance for the meeting is located on 9th St. NW., between F St. NW. and E St. NW.

FOR FURTHER INFORMATION CONTACT: Dr. Nancy Beck, Reagan-Udall Foundation for the FDA, 202–828–1205, *Meetings@ReaganUdall.org.*

SUPPLEMENTARY INFORMATION:

I. Background

The Reagan-Udall Foundation for the FDA (the Foundation) is an independent 501(c)(3) not-for-profit organization created by Congress to advance the mission of FDA to modernize medical, veterinary, food, food ingredient, and cosmetic product development; accelerate innovation; and enhance product safety. With the ultimate goal of improving public health, the Foundation provides a unique opportunity for different sectors (FDA, patient groups, academia, other government entities, and industry) to work together in a transparent way to create exciting new research projects to advance regulatory science.

The Foundation acts as a neutral third party to establish novel, scientific collaborations. Much like any other independently developed information, FDA evaluates the scientific information from these collaborations to determine how Reagan-Udall Foundation projects can help the Agency to fulfill its mission.

The Foundation's programmatic efforts are designed to improve the existing scientific tools (methods) used to evaluate products as well as foster the development of innovative tools and approaches. This is exemplified in the Foundation's projects including: The Innovation in Medical Evidence Development and Surveillance (IMEDS) Program, which develops and evaluates methods for using observational electronic health care data for postmarket evidence generation, including postmarket safety surveillance; the Big Data for Patients (BD4P) Program, which is a data science training program for patient advocates in the science, concepts, uses, and impact of big data on patients; and the Critical Path to Tuberculosis Drug Regimens Project, which looks at novel approaches to development and review of tuberculosis combination therapies, including strategies for engaging communities in the research process. The Foundation is currently exploring potential new projects as well. One of those projects is the Food Safety Innovation Consortium, to advance regulatory science in the food safety arena. Another area under development involves examining ways to improve the availability and clarity of information on the request process for individual expanded access (compassionate use) for drugs that have not yet been approved by the FDA.

II. Meeting Attendance and Participation

A. Registration

If you wish to attend the meeting, visit: *http://bit.ly/1RRSqjp.* Please register for the meeting by May 18, 2016. Seating is limited and registration will be on a first-come, first-served basis. Onsite registration will be available if space permits. There is no fee to attend this workshop.

B. Requests for Oral Comments

Interested persons are welcome to present comments at the public meeting, provided they are submitted by May 18, 2016. Comments are scheduled to begin approximately at 11:40 a.m. Time allotted for comments may be limited to 3 minutes, dependent upon the number of requests received. Submissions must include: Your name, organization, address, telephone number, email, and a brief statement on the general nature of your comments. All submissions should be sent to: *comments@reaganudall.org,* please specify "RUF Public Meeting Comments" in the subject line.

The agenda for the public meeting will be posted on the event page on the Reagan-Udall Web site: *http://bit.ly/1UZnfcb.*

C. Written Comments

Interested persons may submit either electronic or written comments to the Foundation at any time to *comments@reaganudall.org,* or by mail to the Reagan-Udall Foundation for the FDA, 1025 Connecticut Ave. NW., Suite 1000, Washington, DC 20036. Please include your name, organization, address, telephone number, and email when making comments.

III. Post-Meeting Materials

The Foundation plans to make meeting materials and meeting recording available to the public after the meeting. Once available, these materials will be posted on the Reagan-Udall Web site: *http://bit.ly/1UZnfcb.*

Dated: April 11, 2016.

Nancy Beck,

Acting Deputy Director, Reagan-Udall Foundation for the FDA.

[FR Doc. 2016–08656 Filed 4–13–16; 8:45 am]
BILLING CODE 4164–04–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension: Form F–7, OMB Control No. 3235–0383, SEC File No. 270–331

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget this request for extension of the previously approved collection of information discussed below.

Form F–7 (17 CFR 239.37) is a registration statement under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*) used to register securities that are offered for cash upon the exercise of rights granted to a registrant's existing security holders to purchase or subscribe such securities. The information collected is intended to ensure that the information required to be filed by the Commission permits verification of compliance with securities law requirements and assures the public availability of such information. The information provided is mandatory and all information is made available to the public upon request. Form F–7 takes approximately 4 hours per response to prepare and is filed by approximately 5 respondents. We estimate that 25% of 4 hours per response (one hour) is prepared by the company for a total annual reporting burden of 5 hours (one hour per response × 5 responses).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view the background documentation for this information collection at the following Web site, *www.reginfo.gov*. Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov*. Comments must be submitted to OMB within 30 days of this notice.

Dated: April 8, 2016.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–08550 Filed 4–13–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77572; File No. SR–BOX–2016–14]

Self-Regulatory Organizations; BOX Options Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fee Schedule on the BOX Market LLC ("BOX") Options Facility

April 8, 2016.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 31, 2016, BOX Options Exchange LLC (the "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange filed the proposed rule change pursuant to Section 19(b)(3)(A)(ii) of the Act,[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange is filing with the Securities and Exchange Commission ("Commission") a proposed rule change to amend the Fee Schedule to revise certain qualification thresholds and fees in Section I.B. of the BOX Fee Schedule on the BOX Market LLC ("BOX") options facility. While changes to the fee schedule pursuant to this proposal will be effective upon filing, the changes will become operative on April 1, 2016. The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the Exchange's Internet Web site at *http://boxexchange.com.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fee Schedule for trading on BOX. Specifically, the Exchange proposes to revise certain qualification thresholds and fees in Section I.B. of the BOX Fee Schedule, the Tiered Fee Schedule for Initiating Participants and BOX Volume Rebate ("BVR").

Under the Tiered Fee Schedule for Initiating Participants, the Exchange assesses a per contract execution fee to all Primary Improvement Order executions initiated by the particular Initiating Participant. Percentage thresholds are calculated on a monthly basis by totaling the Initiating Participant's Primary Improvement Order volume submitted to BOX, relative to the total national Customer volume in multiply-listed options classes. The current tiered fee schedule for Initiating Participants is as follows:

Tier	Percentage thresholds of national customer volume in multiply-listed options classes (monthly)	Per contract fee (all account types)
1	0.000%–0.079%	$0.25

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

Tier	Percentage thresholds of national customer volume in multiply-listed options classes (monthly)	Per contract fee (all account types)
2	0.080%–0.159%	0.20
3	0.160%–0.339%	0.12
4	0.340%–0.849%	0.07
5	0.850% and Above	0.03

The Exchange proposes to adjust the percentage thresholds in Tiers 3 through 5. Additionally, the Exchange proposes to raise the fee associated with Tier 5 from $0.03 to $0.05. The new Tiered Fee Schedule for Initiating Participants set forth in Section I.B.1. of the BOX Fee Schedule will be as follows:

Tier	Percentage thresholds of national customer volume in multiply-listed options classes (monthly)	Per contract fee (all account types)
1	0.000%–0.079%	$0.25
2	0.080%–0.159%	0.20
3	0.160%–0.499%	0.12
4	0.500%–0.999%	0.07
5	1.000% and Above	0.05

Next, the Exchange proposes to revise certain qualification thresholds in the BVR. Under the current BVR, the Exchange offers a tiered per contract rebate for all PIP Orders and COPIP orders of 100 contracts and under. Percentage thresholds are calculated on a monthly basis by totaling the Participant's PIP and COPIP volume submitted to BOX, relative to the total national Customer volume in multiply-listed options classes.

The current per contract rebate for Participants in PIP and COPIP Transactions under the BVR is:

Tier	Percentage thresholds of national customer volume in multiply-listed options classes (monthly)	Per contract rebate (all account types)	
		PIP	*COPIP*
1	0.000% to 0.159%	($0.00)	($0.00)
2	0.160% to 0.339%	($0.04)	($0.02)
3	0.340% to 0.849%	($0.11)	($0.04)
4	0.850% and Above	($0.14)	($0.06)

The Exchange proposes to adjust the BVR percentage threshold for Tier 3 to "0.340% to 0.99%" and Tier 4 to "1.00% and Above." The quantity submitted will continue to be calculated on a monthly basis by totaling the Participant's PIP and COPIP volume submitted to BOX, relative to the total national Customer volume in multiply-listed options classes.

The new BVR set forth in Section I.B.2 of the BOX Fee Schedule will be as follows:

Tier	Percentage thresholds of national customer volume in multiply-listed options classes (monthly)	Per contract rebate (all account types)	
		PIP	*COPIP*
1	0.000% to 0.159%	($0.00)	($0.00)
2	0.160% to 0.339%	($0.04)	($0.02)
3	0.340% to 0.99%	($0.11)	($0.04)
4	1.00% and Above	($0.14)	($0.06)

Lastly, the Exchange is proposing to remove reference and information relating to Mini Options, as the Exchange no longer lists or trades Mini Options and has no current plans to do so.

The Exchange added rules relating to the listing of Mini Options (options overlying 10 shares of stock) in 2013 [5] and later changed its Fee Schedule to address the treatment of Mini Options, including establishing transactions fees for these products.[6] However, the Exchange no longer lists or trades Mini Option series, and has no current plans to do so and proposes to strip references, and charges related to, Mini Options from the Fee Schedule.

[5] *See* Securities Exchange Act Release No. 68771 (January 30, 2013), 78 FR 8208 (February 5, 2013) (Notice of Filing and Immediate Effectiveness SR–BOX–2013–07).

[6] *See* Securities Exchange Act Release No. 69202 (March 21, 2013), 78 FR 18642 (March 27, 2013) (Notice of Filing and Immediate Effectiveness SR–BOX–2013–15).

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act, in general, and Section 6(b)(4) and 6(b)(5) of the Act,[7] in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among BOX Participants and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes the proposed amendments to the Tiered Fee Schedule for Initiating Participants in Section I.B.1. of the BOX Fee Schedule are reasonable, equitable and non-discriminatory. The reduced fees related to trading activity in BOX Auction Transactions are available to all BOX Options Participants that initiate Auction Transactions, and they may choose whether or not to trade on BOX to take advantage of the discounted fees for doing so. The Exchange also believes adjusting certain percentage thresholds within the tiers and a fee associated with a tier is reasonable and appropriate, as this Tiered Fee Schedule is in place to provide incentives to BOX Participants to submit their customer order into the PIP for potential price improvement. Further, the Exchange believes the proposed thresholds and fees remain competitive when compared to the auction transaction fees on other exchanges.[8]

The Exchange also believes the proposed amendments to the BVR in Section I.B of the BOX Fee Schedule are reasonable, equitable and non-discriminatory. The BVR was adopted to attract Public Customer order flow to the Exchange by offering these Participants incentives to submit their PIP and COPIP Orders to the Exchange and the Exchange believes it is appropriate to now amend the BVR. The Exchange believes it is equitable and not unfairly discriminatory to amend the BVR, as all Participants have the ability to qualify for a rebate, and rebates are provided equally to qualifying Participants. Finally, the Exchange believes it is reasonable and appropriate to continue to provide incentives for Public Customers, which will result in greater liquidity and ultimately benefit all Participants trading on the Exchange.

BOX believes it is reasonable, equitable and not unfairly discriminatory to adjust the monthly Percentage Thresholds of National Customer Volume in Multiply-Listed Options Classes. The volume thresholds and applicable rebates are meant to incentivize Participants to direct order flow to the Exchange to obtain the benefit of the rebate, which will in turn benefit all market participants by increasing liquidity on the Exchange. Other exchanges employ similar incentive programs;[9] and the Exchange believes that the proposed changes to the volume thresholds and rebates are reasonable and competitive when compared to incentive structures at other exchanges.

Lastly, the Exchange believes the proposed change to remove references and information relating to Mini Options from the Fee Schedule is reasonable, equitable, and not unfairly discriminatory, as the Exchange no longer lists or trades Mini-option series and has no intention to do so at this time. Thus, removing outmoded references on the Fee Schedule would alleviate potential investor confusion and improve the clarity and transparency of the Fee Schedule. The proposed change is also reasonable, equitable, and not unfairly discriminatory as it applies to all market participants.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange is simply proposing to revise certain qualification thresholds and fees in the Section I.B. of the BOX Fee Schedule. The Exchange believes that the volume based rebates and fees increase intermarket and intramarket competition by incenting Participants to direct their order flow to the exchange, which benefits all participants by providing more trading opportunities and improves competition on the Exchange. The Exchange also believes the removal of references to Mini Options will not impose any burden on competition but will serve to promote regulatory clarity and consistency, thereby reducing burdens on the marketplace and facilitating investor protection.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Exchange Act[10] and Rule 19b–4(f)(2) thereunder,[11] because it establishes or changes a due, or fee.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend the rule change if it appears to the Commission that the action is necessary or appropriate in the public interest, for the protection of investors, or would otherwise further the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–BOX–2016–14 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BOX–2016–14. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the

[7] 15 U.S.C. 78f(b)(4) and (5).

[8] Comparative fees at other exchanges range from $0.05 to $0.30. *See* Section IV of the Phlx Pricing Schedule entitled "PIXL Pricing"; International Securities Exchange ("ISE") Schedule of Fees, Section I. Regular Order Fees and Rebates "Select Symbols."

[9] *See* Section B of the PHLX Pricing Schedule entitled "Customer Rebate Program;" ISE Gemini's Qualifying Tier Thresholds (page 6 of the ISE Gemini Fee Schedule); and CBOE's Volume Incentive Program (VIP).

[10] 15 U.S.C. 78s(b)(3)(A)(ii).

[11] 17 CFR 240.19b–4(f)(2).

Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BOX–2016–14, and should be submitted on or before May 5, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–08559 Filed 4–13–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77571; File No. SR–NYSEArca–2016–28]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change, as Modified by Amendment No. 1, To List and Trade of Shares of RiverFront Dynamic US Dividend Advantage ETF and RiverFront Dynamic US Flex-Cap ETF Under NYSE Arca Equities Rule 8.600

April 8, 2016.

On February 5, 2016, NYSE Arca, Inc. ("Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade shares ("Shares") of the following under NYSE Arca Equities Rule 8.600: RiverFront Dynamic US Dividend Advantage ETF and RiverFront Dynamic US Flex-Cap ETF. The Commission published notice of the proposed rule change in the **Federal Register** on February 25, 2016.[3] On April 7, 2016, the Exchange submitted Amendment No. 1 to the proposed rule change.[4] The Commission received no comment letters on the proposed rule change.

Section 19(b)(2) of the Act[5] provides that, within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The Commission is extending this 45-day time period.

The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[6] designates May 25, 2016, as the date by which the Commission should either approve or disapprove or institute proceedings to determine whether to disapprove the proposed rule change (File Number SR–NYSEArca–2016–28), as modified byAmendment No. 1.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–08558 Filed 4–13–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77565; File No. SR–FINRA–2016–005]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Order Approving a Proposed Rule Change To Reduce the Synchronization Tolerance for Computer Clocks That Are Used To Record Events In NMS Securities and OTC Equity Securities

April 8, 2016.

I. Introduction

On February 9, 2016, the Financial Industry Regulatory Authority, Inc. ("FINRA") filed with the Securities and Exchange Commission ("Commission") pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] a proposed rule change to reduce the synchronization tolerance for computer clocks that are used to record events in NMS Securities, including standardized options and OTC Equity Securities. The proposed rule change was published for comment in the **Federal Register** on February 25, 2016.[3] Four comments were received in response to the proposal.[4] This order approves the proposed rule change.

II. Description of the Proposed Rule Change

FINRA rules require that firms synchronize their business clocks in conformity with procedures prescribed by FINRA. Specifically, FINRA Rule 7430 requires that firms synchronize their business clocks that are used for purposes of recording the date and time of any event that must be recorded pursuant to the FINRA By-Laws or other FINRA rules (*i.e.*, the time a trade was executed or the time an order was received or routed), with reference to a time source as designated by FINRA. Current OATS technical specifications provide that all computer system clocks and mechanical time stamping devices must be synchronized to within one

[12] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 34–77183 (February 19, 2016), 81 FR 9535 (February 25, 2016) (NYSEArca–2016–28).

[4] Amendment No. 1 replaced and superseded the original filing in its entirety.

[5] 15 U.S.C. 78s(b)(2).

[6] *Id.*

[7] 17 CFR 200.30–3(a)(31).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 77196 (Feb. 19, 2016), 81 FR 9550 ("Notice").

[4] *See* Letter from Kermit Kubitz, dated March 18, 2016 ("Kubitz Letter"); Letter from Dave Lauer, Chairman, Healthy Markets Association, to Brent J. Fields, Secretary, Commission, dated March 17, 2016 ("Healthy Markets Letter"); Letter from Manisha Kimmel, Chief Regulatory Officer, Wealth Management, Thompson Reuters, to Brent J. Fields, Secretary, Commission, dated March 17, 2015 ("Reuters Letter"); Letter from Mary Lou Von Kaenel, Managing Director, Financial Information Forum, to Brent J. Fields, Secretary, Commission, dated March 22, 2016 ("FIF Letter").

second of the NIST atomic clock.[5] As stated in the Notice, FINRA proposed to reduce the synchronization tolerance for members' computer clocks that are used to record events in NMS securities,[6] including standardized options, and OTC Equity Securities.[7]

Given the increasing speed of trading in today's automated markets, FINRA believes the current one second tolerance is no longer appropriate for computer system clocks recording events in NMS securities and OTC Equity Securities, thus FINRA proposed to tighten the synchronization requirement for computer system clocks that record events in NMS securities and OTC Equity Securities by reducing the drift tolerance from one second to 50 milliseconds.[8]

Under a combination of Rule 7430 and the OATS technical specifications, the current one second synchronization standard applies to the recording of the date and time of any event that must be recorded under FINRA By-Laws or rules. In this proposal, FINRA proposed to consolidate and codify the clock synchronization requirements in new Rule 4590 for clarity and ease of reference. This consolidation includes the current provision in the OATS technical specifications that conveys guidance on recordkeeping to demonstrate compliance with the synchronization standard, which would be codified without material change as Supplementary Material .01 to Rule 4590.

FINRA proposed a phased implementation for the 50 millisecond standard.[9] FINRA would require firms with systems that capture time in milliseconds to comply with the new 50 millisecond standard within six months of the effective date; firms that do not have systems that capture time in milliseconds must comply with the new standard within 18 months of the effective date.

III. Comment Letters

The Commission received four comment letters on the proposal.[10] Healthy Markets supports the proposal noting: "[s]ub-second clock synchronization standards are an important element of market data and audit trail reliability, and most market technology is already synchronized at tolerances far more precise than the fifty milliseconds proposed." Further, it states that "[c]lock synchronization is a critical component of today's market structure and is long overdue for reform," and notes that "[t]ighter synchronization standards would enhance regulators' abilities to surveil for manipulative trading practices." The commenter suggests that FINRA recognize the differences between "extremely time-sensitive trading firms and other market participants" by imposing a higher standard on the firms it labels "extremely time-sensitive."[11] A second commenter urges "higher time synchronization requirements than proposed."[12] FIF indicates that its members "generally agree the 50 millisecond clock synchronization requirement is appropriate for order and execution events"[13] and acknowledges the "compelling regulatory need for fine precision time stamps on order and execution events,"[14] however, FIF expresses concern about FINRA proposing this rule given the pending implementation of the CAT NMS Plan.[15] The fourth commenter requests that "FINRA provide a list of impacted events to ensure that firms are appropriately implementing reduced clock synchronization across all relevant systems,"[16] and states that nine months is a more reasonable timeframe within which to implement the requirement.[17]

With respect to the scope of events covered under the proposal, FINRA stated in the filing that through a combination of FINRA Rule 7430 and the OATS technical specifications, the current clock synchronization standard already applies to the recording of the date and time of any event that must be recorded under FINRA By-Laws or rules.[18] For instance, FINRA stated that Rule 7430 requires that firms synchronize business clocks used for purposes of recording the date and time of any event that must be recorded pursuant to the FINRA By-Laws or other FINRA Rules (*e.g.*, the time a trade was executed or the time an order was received or routed), with reference to a time source as designated by FINRA.[19] Under existing OATS technical specifications, all computer system clocks and mechanical stamping devices must be synchronized to within one second of the NITS atomic clock.[20] FINRA stated that this proposal consolidates and codifies its clock synchronization requirements, including the new 50 millisecond standard, in a new Rule 4590 for clarity and ease of reference, so as to make clear that the requirements apply to the recording of the date and time of any event that must be recorded under FINRA By-Laws or rules.[21]

With respect to implementation, in the proposal FINRA stated that it has accommodated such concerns in two ways. First, FINRA tailored the proposal so that the 50 millisecond standard would apply only to NMS Securities and OTC Equity Securities and not to fixed income securities.[22] Second, FINRA proposed a phased implementation schedule for the 50 millisecond standard that allows firms that capture time in milliseconds to comply with the 50 millisecond standard within six months of the effective date of the rule and firms that do not capture time in milliseconds to comply with the standard within 18 months of the effective date of the rule.[23]

Finally, in the filing, FINRA stated that it believes that it is appropriate and necessary to proceed with the 50 millisecond standard now, rather than forego this proposal in light of the proposed CAT NMS Plan, because the

[5] Any time provider may be used for synchronization; however, all clocks and time stamping devices must remain accurate to within a one-second tolerance of the NIST clock. This tolerance includes (1) the difference between the NIST standard and a time provider's clock, (2) the transmission delay from the source and (3) the amount of drift of the member firm's clock. The OATS technical specifications further specify that computer system and mechanical clocks must be synchronized every business day before market open to ensure the accuracy of recorded order event timestamps.

[6] *See* Rule 600(b)(46) of Regulation NMS; 17 CFR 242.600(b)(46).

[7] *See* FINRA Rule 6420(f).

[8] The proposal does not change the current clock synchronization requirement for members' mechanical time stamping devices or computer clocks that are used to record events for securities other than NMS securities or OTC Equity Securities.

[9] FINRA will announce the effective date of the proposed rule change in a *Regulatory Notice* to be published no later than 90 days following Commission approval. *See* Notice, 81 FR at 9553.

[10] *See supra*, note 4.

[11] *See* Healthy Markets letter at 1–2.

[12] *See* Kubitz letter.

[13] *See* FIF letter at 1.

[14] *See* FIF letter at 2.

[15] *See* FIF letter at 1. FIF also raises concerns about applying the synchronization requirement to post-trade activities. *See* pages 1–3. The National Market System Plan governing the Consolidated Audit Trail ("CAT NMS Plan") was required by Rule 613 under the Act, which directed FINRA and the national securities exchanges to submit a national market systems plan to govern the creation, implementation, and maintenance of a consolidated audit trail and central repository. *See* Securities Exchange Act Release No. 67457 (July 17, 2012), 77 FR 45722 (August 1, 2012) ("Rule 613 Adopting Release"). The CAT NMS Plan submitted by the national securities exchanges and FINRA on February 27, 2015 is available at *http://www.catnmsplan.com/*.

[16] *See* Thomson Reuters letter at 1.

[17] *See id.* at 2.

[18] *See* Notice, 81 FR at 9551.

[19] *See* Notice, 81 FR at 9550.

[20] *See id.*

[21] *See* Notice, 81 FR at 9551.

[22] *See* Notice, 81 FR at 9553.

[23] *See id.*

standard is an important element of market data reliability, and it may be sometime before the clock-synchronization requirements of the CAT NMS Plan take effect.[24] FINRA stated that it relies on the accuracy of market data to fulfill its regulatory obligations as a national securities association.[25] Accordingly, FINRA believes it has a current need to tighten the clock synchronization standard for events that must be recorded pursuant to the FINRA By-Laws or other FINRA Rules.[26]

Two commenters suggested that FINRA should consider differentiating between market participants when setting clock-synchronization standards.[27] For instance, one commenter stated that FINRA should recognize differences between extremely time-sensitive trading firms and other market participants, and suggested differentiating between co-located broker-dealers and others.[28] Similarly, one commenter suggested that firms that co-locate their equipment to or otherwise have access to an exchange datacenter should be held to tighter requirements.[29]

In the filing, FINRA stated that audit trail integrity relies on the ability to accurately sequence events for a given period of time, including events generated by firms that do not engage in high-frequency trading.[30] FINRA believes it is important to apply the same standard to all computer-related events, regardless of firm size or activity type.[31]

IV. Discussion and Commission Findings

After carefully considering the proposed rule change and the comment letters, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities association.[32] In particular, the Commission finds that the proposed rule change is consistent with Section 15A(b)(6) of the Act, which requires, among other things, that FINRA rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest.[33]

The Commission agrees with the commenter's observation that clock synchronization is a "critical component of today's market structure."[34] Tightening the clock synchronization requirement to 50 milliseconds will bolster FINRA's ability to meet its regulatory obligations as a national securities association. As the Commission has noted, time drift away from a universal, synchronized standard is an important issue to address to enhance the integrity of audit trail data.[35] The Commission agrees with the commenter's observation that updating clock synchronization standards is important to improve transparency and enhance surveillance and enforcement capabilities. Further, the Commission believes that FINRA's decision to have a consistent clock synchronization standard across the industry at this time is a reasonable decision. The Commission believes it is important to pursue a 50 millisecond standard at this time so that FINRA can compile more accurate audit trail data and conduct surveillance with more precise time-sequenced data, rather than waiting for the issue to be addressed by the CAT NMS Plan.[36] Tighter synchronization is critical to precisely reconstructing market events, as the commenter noted,[37] which will facilitate FINRA's efforts to detect and prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. In addition, the Commission notes that the proposed rule change does not alter the events that are covered by the clock synchronization requirement.

For the reasons discussed above, the Commission finds that the proposed rule change is consistent with Section 15A of the Act.

V. Conclusion

It is therefore ordered pursuant to Section 19(b)(2) of the Act[38] that the proposed rule change (SR–FINRA–2016–005) be and hereby is approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[39]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–08553 Filed 4–13–16; 8:45 am]

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[24] In the Notice, FINRA also notes that the proposed clock synchronization standard is consistent with the 50 millisecond clock synchronization standard advanced by the CAT NMS Plan. *See* Notice, 81 FR at 9552.

[25] *See id.*

[26] *Id.*

[27] *See* Healthy Markets Letter and Kubitz Letter.

[28] *See* Healthy Markets Letter.

[29] *See* Kubitz Letter.

[30] *See* Notice, 81 FR at 9552.

[31] In the Notice, FINRA states that while it does not believe it is practicable to adopt different standards for market participants, as some commenters suggested, it is proposing to provide less automated firms with more time to adjust their systems to the new proposed standard. *See* Notice, 81 FR 9552 n.25.

[32] In approving the proposed rule change, the Commission has also considered the rule change's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[33] 21 U.S.C. 78*o*–3(b)(6).

[34] *See* Healthy Markets letter at 1.

[35] *See* Rule 613 Adopting Release, 77 FR at 45774. The Commission notes that the FINRA proposal is consistent with the clock-synchronization standard advanced by the CAT NMS Plan.

[36] *See supra*, note 24.

[37] *See* Healthy Markets letter at 1.

[38] 15 U.S.C. 78s(b)(2).

[39] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77570; File No. SR–CBOE–2016–028]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Rule 6.1A

April 8, 2016.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 4, 2016, Chicago Board Options Exchange, Incorporated ("Exchange" or "CBOE") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposed to amend Rule 6.1A related to Extended Trading Hours. The text of the proposed rule change is provided below.

(additions are italicized; deletions are [bracketed])

* * * * *

Chicago Board Options Exchange, Incorporated Rules

* * * * *

Rule 6.1A. Extended Trading Hours

(a)–(j) No change.

(k) Index Values. *While it may not be calculated and disseminated at all times during Extended Trading Hours, current values of VIX will be widely disseminated at least once every fifteen*

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

(15) seconds by the Options Price Reporting Authority or one or more major market vendors during that trading session. [The Exchange will not report a]*No current index* value [of an index]underlying any *other* index option trading during Extended Trading Hours[, because the value of the underlying index] will [not be recalculated]*be disseminated* during or at the close of [Extended Trading Hours]*that trading session.*

* * * * *

The text of the proposed rule change is also available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 6.1A regarding Extended Trading Hours.[3] Current Rule 6.1A(k) states the Exchange will not report a value of an index underlying an index option trading during Extended Trading Hours, because the value of the underlying index will not be recalculated during or at the close of Extended Trading Hours. Currently, there are two indexes underlying options approved for trading during Extended Trading Hours: the Standard & Poor's 500 ("S&P 500") (underlying options on the S&P 500 (SPX), p.m.-settled options on the S&P 500 (SPXPM) and options on the mini-SPX index (XSP)), and the CBOE Volatility Index ("VIX") (underlying options on the VIX).[4] The reporting authorities for these indexes currently do not calculate index values during Extended Trading Hours, and thus the Exchange determined it would not be useful or efficient to disseminate to Trading Permit Holders the same value repeatedly at frequent intervals. However, it is possible that one or more reporting authorities may begin to calculate and disseminate index values during these hours.

CBOE, in its capacity as reporting authority for VIX, recently announced plans to calculate and make available current values of VIX every 15 seconds during Extended Trading Hours in March 2016. In order to contemplate this Extended Trading Hours index calculation, the proposed rule change amends Rule 6.1A(k) to provide while it may not be calculated and disseminated at all times during Extended Trading Hours,[5] current values of VIX will be widely disseminated at least once every fifteen (15) seconds by the Options Price Reporting Authority ("OPRA")[6] or one or more major market vendors during that trading session.[7] To the extent the reporting authority for an index underlying an index option trading during Extended Trading Hours does not calculate or make available current values of that index during that trading session (or part thereof), no current index value will be disseminated during Extended Trading Hours (which is the case today).

The Exchange notes, pursuant to Rule 6.1A(j)(vi), Trading Permit Holders must continue to disclose to customers the risks associated with trading during Extended Trading Hours, including among other things the possibility of the absence of an updated underlying index and lack of regular trading in the securities underlying the index. No current index value underlying any other index option trading during Extended Trading Hours will be disseminated during or at the close of that trading session, as is the case today.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[8] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[9] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[10] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the proposed rule change does not modify trading rules applicable to Extended Trading Hours. The proposed rule change contemplates the expected calculation of current values of VIX during Extended Trading Hours, which additional information regarding options trading during that trading session removes impediments to and perfect the mechanism of a free and open market and a national market system. The proposed rule change states that the current values of indexes underlying other options trading during Extended Trading Hours will continue to not be disseminated, and thus has no impact on those options.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. This proposed rule change has no impact on the trading rules applicable to Extended Trading Hours; there will just be

[3] Currently, Extended Trading Hours are 2:00 a.m. to 8:15 a.m. Central time.

[4] Currently, SPX, SPXPM and VIX options are listed for trading during Extended Trading Hours (no XSP series are currently listed).

[5] There may be times when a current value is not available, such as if CBOE (as reporting authority) does not begin making current index values available until after a certain amount of time has passed following the open of the Extended Trading Hours trading session (for example, to ensure sufficient quotes in series used to calculate the index values) or if there are technical issues preventing CBOE (as reporting authority) from calculating index values. During the times the current value of VIX is not available (and thus not disseminated) during Extended Trading Hours, VIX options may continue to be listed for trading during that trading session (as they are today).

[6] CBOE does not expect to disseminate current VIX values during Extended Trading Hours through OPRA; however, this proposed reference is included to accommodate the possibility that changes in the future.

[7] Similarly, during Regular Trading Hours, Rule 24.2(f)(11), which describes listing standards for broad-based indexes (including VIX), states the current index value for an index must be widely disseminated at least once every 15 seconds by OPRA, CTA/CQ, NIDS, or one or more major market data vendors during the time options on the index are traded on the Exchange. CBOE understands that one or more major market data vendors (*e.g.* Bloomberg and Reuters) will widely disseminate current VIX values during Extended Trading Hours, as is the case during Regular Trading Hours.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] *Id.*

additional information available to market participants regarding one product that trades during that trading session. The proposed rule change merely reflects CBOE's plans (as reporting authority for VIX) to calculate and disseminate the current values of VIX during Extended Trading Hours. CBOE understands that one or more major market data vendors (*e.g.* Bloomberg and Reuters) will widely disseminate the current VIX values during Extended Trading Hours, providing Trading Permit Holders and other market participants with access to those values through those vendors. As CBOE is currently the only U.S. options exchange with Extended Trading Hours, and the only U.S. options exchange on which VIX options are listed for trading, the proposed rule change has no impact on intermarket competition.

B. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[11] and Rule 19b–4(f)(6) thereunder.[12]

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative on the date that VIX values may become available during Extended Trading Hours, which is expected to be April 15, 2016. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. The Commission notes that the proposed rule change merely allows VIX values to be disseminated during Extended Trading Hours in the same manner as during Regular Trading Hours and therefore, does not raise any unique or novel issues. Accordingly, the Commission designates the proposed rule change to be operative as of April 15, 2016.[13]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–CBOE–2016–028 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number *SR–CBOE–2016–028*. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2016–028 and should be submitted on or before May 5, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Robert W. Errett,

Deputy Secretary.

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[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[13] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77569; File No. SR–ISEMercury–2016–07]

Self-Regulatory Organizations; ISE Mercury, LLC; Notice of Filing of Proposed Rule Change Related to Market Wide Risk Protection

April 8, 2016.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that, on March 29, 2016, ISE Mercury, LLC (the "Exchange" or "ISE Mercury") filed with the Securities and Exchange Commission ("Commission") the proposed rule change, as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to introduce new activity based order protections as described in more detail below. The text of the proposed rule change is available on the Exchange's Web site (*http://www.ise.com*), at the principal office of the Exchange, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to introduce new risk protections for orders designed to aid members in their risk management by supplementing current price reasonability checks with activity based order protections.[3] In particular, the Exchange proposes to introduce two activity based risk protections that will be mandatory for all members: (1) the "Order Entry Rate Protection," which protects members against *entering* orders at a rate that exceeds predefined thresholds,[4] and (2) the "Order Execution Rate Protection," which protects members against *executing* orders at a rate that exceeds their predefined risk settings. Both of these risk protections are detailed in Proposed Rule 714(d), "Market Wide Risk Protection."[5] The Exchange will announce the implementation date of the Market Wide Risk Protection in a circular to be distributed to members prior to implementation.

Pursuant to the proposed Market Wide Risk Protection rule, the Exchange's trading system (the "System") will maintain one or more counting programs on behalf of each member that will count the number of orders entered, and the number of contracts traded on ISE Mercury.[6] Members can use multiple counting programs to separate risk protections for different groups established within the member.[7] The counting programs will maintain separate counts, over rolling time periods specified by the member for each count, of: (1) the total number of orders entered; and (2) the total number of contracts traded.[8] Contracts executed on the agency and contra-side of a two-sided crossing order will be counted separately for the Order Execution Rate Protection.

Members will have discretion to establish the applicable time period for each of the counts maintained under the Market Wide Risk Protection, provided that the selected period must be within minimum and maximum parameters established by the Exchange and announced via circular.[9] While the Market Wide Risk Protection is mandatory for all members, the Exchange is not proposing to establish minimum or maximum values for the order entry and execution parameters described in (1) and (2) above. The Exchange believes that this approach will give members the flexibility needed to appropriately tailor the Market Wide Risk Protection to their respective risk management needs. In this regard, the Exchange notes that each member is in the best position to determine risk settings appropriate for their firm based on the member's trading activity and business needs. In the interest of maintaining a fair and orderly market, however, the Exchange will establish default values for the applicable time period and order entry and execution parameters in a circular to be distributed to members. Default values established by the Exchange will apply only to members that do not submit their own parameters for the Market Wide Risk Protection.

The System will trigger the Market Wide Risk Protection when the counting program has determined that the member has either (1) entered during the specified time period a number of orders exceeding its designated allowable order rate, or (2) executed during the specified time period a number of contracts exceeding its designated allowable contract execution rate. In particular, after a member enters an order, or a member's order is executed, the System will look back over the specified time period to determine whether the member has exceeded the threshold that it has set for the total number of orders entered or the total number of contracts traded, as applicable. If the member's threshold has been exceeded, the Market Wide Risk Protection will be triggered and the System will automatically reject all subsequent incoming orders entered by the member on ISE Mercury. In addition, if the member has opted in to this functionality, the System will automatically cancel all of the member's existing orders. The Market Wide Risk Protection will remain engaged until the member manually (*e.g.*, via email) notifies the Exchange to enable the acceptance of new orders; however, the System will still allow members to interact with existing orders entered before the protection was triggered, including sending cancel order messages and receiving trade executions for those orders.

The Exchange believes that the proposed Market Wide Risk Protection will assist members in better managing their risk when trading on ISE Mercury. In particular, the proposed rule change provides functionality that allows members to set risk management thresholds for the number of orders entered or contracts executed on the Exchange during a specified period. This is similar to how other options exchanges have implemented activity-based risk management protections,[10] and the Exchange believes this functionality will likewise be beneficial for ISE Mercury members.

The examples below illustrate how the Market Wide Risk Protection would work both for order entry and order execution protections:

Example 1, Order Entry Rate Protection: Broker Dealer 1 ("BD1") designates an allowable order rate of 499 orders/1 second.

@0 milliseconds, BD1 enters 200 orders. (Order total: 200 orders)

@450 milliseconds, BD1 enters 250 orders. (Order total: 450 orders)

@950 milliseconds, BD1 enters 50 orders. (Order total: 500 orders)

[3] The Exchange provides members with limit order price protections designed to prevent erroneous executions by rejecting orders priced too far through the market. *See* Rule 714(b)(2).

[4] The Exchange will determine when to initiate the Order Entry Rate Protection pre-open to allow members time to load their orders without inadvertently triggering the protection. The precise time will be established by the Exchange and communicated to members via circular prior to implementation.

[5] The term "Market Wide Risk Protection" includes both the "Order Entry Rate Protection" and the "Order Execution Rate Protection."

[6] Like the Market Wide Speed Bump functionality offered on the Exchange pursuant to Rule 804(g)(2), the Market Wide Risk Protection for ISE Mercury will not apply cross-market to other affiliated exchanges.

[7] The Exchange will explain how members can go about setting up risk protections for different groups (*e.g.*, business units) in a circular issued to members.

[8] The member's allowable order rate for the Order Entry Rate Protection is comprised of the parameter defined in (1), while the allowable contract execution rate for the Order Execution Rate Protection is comprised of the parameter defined in (2).

[9] The Exchange anticipates that the minimum and maximum values for the applicable time period will be initially set at one second and a full trading day, respectively.

[10] *See* Securities Exchange Act Release Nos. 74118 (January 22, 2015), 80 FR 4605 (January 28, 2015) (Notice); 74496 (March 13, 2015), 80 FR 14421 (March 19, 2015) (Approval) (SR–MIAX–2015–03).

Market Wide Risk Protection is triggered on ISE Mercury due to exceeding 499 orders in 1 second. All subsequent orders are rejected, and if BD1 has opted in to this functionality, all existing orders are cancelled. BD1 must contact Market Operations to resume trading.

Example 2, Order Execution Rate Protection: BD1 designates an allowable execution rate of 15,000 contracts/2 seconds.

@0 milliseconds, BD1 receives executions for 5,000 contracts. (Execution total: 5,000 contracts)

@600 milliseconds, BD1 receives executions for 10,000 contracts. (Execution total: 15,000 contracts)

@1550 milliseconds, BD1 receives executions for 2,000 contracts. (Execution total: 17,000 contracts)

Market Wide Risk Protection is triggered on ISE Mercury due to exceeding 15,000 contracts in 2 seconds. All subsequent orders are rejected, and if BD1 has opted in to this functionality, all existing orders are cancelled. BD1 must contact Market Operations to resume trading.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b) of the Act.[11] Specifically, the proposed rule change is consistent with Section 6(b)(5) of the Act,[12] because it is designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change would assist with the maintenance of a fair and orderly market by establishing new activity based risk protections for orders. The Exchange currently offers a risk protection mechanism for market maker quotes that removes the member's quotes if a specified number of curtailment events occur during a set time period ("Market Wide Speed Bump").[13] The Exchange believes that this Market Wide Speed Bump functionality has been successful in reducing market maker risk and now proposes to adopt risk protections for orders that would allow other members to properly manage their exposure to excessive risk. In particular, the proposed rule change would implement two new risk protections based on the rate of order entry and order execution, respectively. The Exchange believes that both of these new protections, which together encompass the proposed Market Wide Risk Protection, would enable members to better manage their risk when trading options on the Exchange by limiting the member's risk exposure when systems or other issues result in orders being entered or executed at a rate that exceeds predefined thresholds. In today's market the Exchange believes that robust risk management is becoming increasingly more important for all members. The proposed rule change would provide an additional layer of risk protection for market participants that trade on the Exchange.

The proposed Market Wide Risk Protection is similar to risk management functionality provided by other options exchanges, including, for example, the MIAX Options Exchange ("MIAX"), which recently received Commission approval for its "Risk Protection Monitor" for orders.[14] In particular, the Market Wide Risk Protection is designed to reduce risk associated with system errors or market events that may cause members to send a large number of orders, or receive multiple, automatic executions, before they can adjust their exposure in the market. Without adequate risk management tools, such as those proposed in this filing, members could reduce the amount of order flow and liquidity that they provide. Such actions may undermine the quality of the markets available to customers and other market participants. Accordingly, the proposed rule change is designed to encourage members to submit additional order flow and liquidity to the Exchange, thereby removing impediments to and perfect [sic] the mechanisms of a free and open market and a national market system and, in general, protecting investors and the public interest. In addition, providing members with more tools for managing risk will facilitate transactions in securities because, as noted above, the members will have more confidence that protections are in place that reduce the risks from potential system errors and market events. As a result, the new functionality has the potential to promote just and equitable principles of trade.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[15] the Exchange does not believe that the proposed rule change would impose any burden on intermarket or intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed Market Wide Risk Protection is similar to risk protections already available on other options exchanges,[16] and is designed to be a competitive offering that would mitigate the risk associated with trading on the Exchange. Market makers already benefit from Market Wide Speed Bump functionality available for quotes. The proposed change would extend new risk protections to orders so that additional market participants can benefit from risk mitigating functionality. In addition, the proposed functionality would be mandatory for all members, and would be made available on an equal and non-discriminatory basis. As such, the Exchange does not believe that the proposed rule change would impose any unnecessary burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the publication date of this notice or within such longer period (1) as the Commission may designate up to 45 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (2) as to which the self-regulatory organization consents, the Commission will:

(a) by order approve or disapprove such proposed rule change; or

(b) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

[13] *See* Rule 804(g)(2).

[14] *See* supra note 10.

[15] 15 U.S.C. 78f(b)(8).

[16] *See* supra notes 10 and 14.

ISEMercury–2016–07 on the subject line.

Paper Comments

• Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number *SR–ISEMercury–2016–07.* This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number *SR–ISEMercury–2016–07* and should be submitted on or before May 5, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–08556 Filed 4–13–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension: Rule 605 of Regulation NMS, SEC File No. 270–488, OMB Control No. 3235–0542

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) ("PRA"), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget ("OMB") a request for approval of extension of the previously approved collection of information provided for in Rule 605 (17 CFR 242.605) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) ("Exchange Act").

Rule 605 of Regulation NMS,[1] formerly known as, Rule 11Ac1–5, requires market centers to make available to the public monthly order execution reports in electronic form. The Commission believes that many market centers retain most, if not all, of the underlying raw data necessary to generate these reports in electronic format. Once the necessary data is collected, market centers could either program their systems to generate the statistics and reports, or transfer the data to a service provider (such as an independent company in the business of preparing such reports or a self-regulatory organization) that would generate the statistics and reports.

The collection of information obligations of Rule 605 apply to all market centers that receive covered orders in national market system securities. The Commission estimates that approximately 132 market centers are subject to the collection of information obligations of Rule 605. Each of these respondents is required to respond to the collection of information on a monthly basis.

The Commission staff estimates that, on average, Rule 605 causes respondents to spend 6 hours per month to collect the data necessary to generate the reports, or 72 hours per year. With an estimated 132 market centers subject to Rule 605, the total data collection time burden to comply with the monthly reporting requirement is estimated to be 9,504 hours per year.

Based on discussions with industry sources, the Commission staff estimates that an individual market center could retain a service provider to prepare a monthly report using the data collected for approximately $2,978 per month. This per-respondent estimate is based on the rate that a market center could expect to obtain if it negotiated on an individual basis. Based on the $2,978 estimate, the monthly cost to the 132 market centers to retain service providers to prepare reports would be $393,096, or an annual cost of approximately $4,717,152.

The collection of information obligation imposed by Rule 605 is mandatory. The response will be available to the public and will not be kept confidential.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following Web site, *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549, or by sending an email to *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: April 8, 2016.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–08552 Filed 4–13–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77567; File No. SR–BATS–2015–94]

Self-Regulatory Organizations; BATS Exchange, Inc.; Notice of Filing of Amendment No. 1 and Order Approving on an Accelerated Basis a Proposed Rule Change, as Modified by Amendments No. 1, No. 2, and No. 3, To List and Trade Shares of the SPDR DoubleLine Emerging Markets Fixed Income ETF of the SSgA Active Trust

April 8, 2016.

I. Introduction

On December 28, 2015, BATS Exchange, Inc. ("Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant

[17] 17 CFR 200.30–3(a)(12).

[1] Regulation NMS, adopted by the Commission in June 2005, redesignated the national market system rules previously adopted under Section 11A of the Exchange Act. Rule 11Ac1–5 under the Exchange Act was redesignated Rule 605 of Regulation NMS. No substantive amendments were made to Rule 605 of Regulation NMS. *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496 (June 29, 2005).

to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade shares of the SPDR® DoubleLine® Emerging Markets Fixed Income ETF of the SSgA Active Trust under BATS Rule 14.11(i). The proposed rule change was published for comment in the **Federal Register** on January 15, 2016.[3] On February 23, 2016, pursuant to Section 19(b)(2) of the Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[5] On February 26, 2016, the Exchange filed Amendment No. 1 to the proposal.[6] On March 24, 2016, the Exchange filed Amendment No. 2 to the proposal.[7] On April 7, 2016, Exchange filed Amendment No. 3 to the proposed rule change.[8] The Commission has received no comments on the proposal. The Commission is publishing this notice to solicit comments on Amendment No. 1 from interested persons, and is approving the proposed rule change, as modified by Amendments No. 1, No. 2, and No. 3, on an accelerated basis.

II. The Exchange's Description of the Proposal[9]

The Exchange proposes to list and trade the Shares under BATS Rule 14.11(i), which governs the listing and trading of Managed Fund Shares on the Exchange. The Shares will be offered by SSgA Active Trust ("Trust"), which is organized as a Massachusetts business trust and is registered with the Commission as an open-end management investment company.[10] SSGA Funds Management, Inc. will serve as the investment adviser to the Fund ("Adviser")[11] as well as the administrator for the Fund. DoubleLine Capital LP will be the Fund's sub-adviser ("Sub-Adviser"). State Street Global Markets, LLC will be the principal underwriter and distributor of the Shares. State Street Bank and Trust Company will serve as the sub-administrator, custodian ("Custodian"), transfer agent, and, where applicable, lending agent ("Lending Agent") for the Fund.

Neither the Adviser nor the Sub-Adviser is registered as a broker-dealer, but the Adviser is affiliated with a broker-dealer and has implemented a "fire wall" with respect to that broker-dealer regarding access to information concerning the composition of and changes to the Fund's portfolio. The Sub-Adviser is not affiliated with a broker-dealer.[12]

A. Principal Investments of the Fund

The Fund is an actively managed fund that does not seek to replicate the performance of a specified index. The Fund will seek to provide high total return from current income and capital appreciation. To achieve its objective, the Fund will invest, under normal circumstances,[13] at least 80% of its net assets (plus the amount of borrowings for investment purposes) in emerging-market fixed income securities.[14] More specifically, the Fund will invest at least 80% of its net assets (plus the amount

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 76862 (Jan. 11, 2016), 81 FR 2282.

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 77209, 81 FR 10315 (Feb. 29, 2016). The Commission designated April 14, 2016, as the date by which it should approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change.

[6] Amendment No. 1 replaced and superseded the proposed rule change in its entirety. In Amendment No. 1, the Exchange clarified that: (1) The Fund may invest without limit in investments denominated in any currency, but expects to invest a portion of its assets in U.S.-dollar-denominated investments; (2) the Fund may invest up to 20% of its portfolio in structured securities and junior bank loans; and (3) to limit the potential risk associated with derivative transactions, the Fund will segregate or "earmark" assets determined to be liquid by the Adviser in accordance with procedures established by the Trust's Board of Trustees and in accordance with the Investment Company Act of 1940 (15 U.S.C. 80a–1) ("1940 Act") (or, as permitted by applicable regulations, enter into certain offsetting positions) to cover its obligations under derivative instruments, and will include appropriate risk disclosure in its offering documents, including leveraging risk. Amendment No. 1 also adds a representation that the Adviser believes there will be minimal, if any, impact to the arbitrage mechanism as a result of the use of derivatives, and makes changes of a technical nature. The amendments to the proposed rule change are available at: *http://www.sec.gov/comments/sr-bats-2015-94/bats201594.shtml.*

[7] In Amendment No. 2, the Exchange clarifies that: (1) All statements and representations made in this filing regarding (a) the description of the portfolio, (b) limitations on portfolio holdings or reference assets, or (c) the applicability of Exchange rules and surveillance procedures shall constitute continued listing requirements for listing the Shares on the Exchange; and (2) the issuer has represented to the Exchange that it will advise the Exchange of any failure by the Fund to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Exchange Act, the Exchange will surveil for compliance with the continued listing requirements. If the Fund is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under Exchange Rule 14.12. Because Amendment No. 2 adds clarification to the proposal and does not materially alter the substance of the proposed rule change or raise unique or novel regulatory issues, Amendment No. 2 is not subject to notice and comment.

[8] In Amendment No. 3, the Exchange made a conforming change to confirm that the Fund may invest in unsponsored American Depositary Receipts ("ADRs"), which are not exchange traded. Because Amendment No. 3 clarifies the proposal and does not materially alter the substance of the proposed rule change or raise unique or novel regulatory issues, Amendment No. 3 is not subject to notice and comment.

[9] Additional information regarding, among other things, the Shares, the Fund, its investment objective, its investments, its investment strategies, its investment methodology, its investment restrictions, its fees, its creation and redemption procedures, availability of information, trading rules and halts, and surveillance procedures can be found in Amendment No. 1 and in the Registration Statement. *See* Amendment No. 1, *supra* note 6, and Registration Statement, *infra* note 10, respectively.

[10] *See* Registration Statement on Form N–1A for the Trust, dated October 8, 2015 (File Nos. 333–173276 and 811–22542) ("Registration Statement"). The Exchange states that the Commission has issued an order granting certain exemptive relief to the Trust under the 1940 Act. *See* Investment Company Act Release No. 29524 (December 13, 2010) (File No. 812–13487).

[11] An investment adviser to an open-end fund is required to be registered under the Investment Advisers Act of 1940 ("Advisers Act"). As a result, the Adviser and its related personnel as well as the Sub-Adviser and its related personnel are subject to the provisions of Rule 204A–1 under the Advisers Act relating to codes of ethics. This Rule requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients as well as compliance with other applicable securities laws. Accordingly, procedures designed to prevent the communication and misuse of non-public information by an investment adviser must be consistent with Rule 204A–1 under the Advisers Act. In addition, Rule 206(4)–7 under the Advisers Act makes it unlawful for an investment adviser to provide investment advice to clients unless such investment adviser has (i) adopted and implemented written policies and procedures reasonably designed to prevent violation, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above.

[12] *See* Amendment No. 1, *supra* note 6, at 6. In the event (a) the Adviser or Sub-Adviser becomes registered as a broker-dealer or newly affiliated with a broker-dealer, or (b) any new adviser or sub-adviser is a registered broker-dealer or becomes affiliated with a broker-dealer, it will implement a fire wall with respect to its relevant personnel or broker-dealer affiliate regarding access to information concerning the composition of and changes to the portfolio, and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio. *See id.*

[13] The term "under normal circumstances" includes, but is not limited to, the absence of extreme volatility or trading halts in the fixed income markets or the financial markets generally; operational issues causing dissemination of inaccurate market information; or force majeure type events such as systems failure, natural or man-made disaster, act of God, armed conflict, act of terrorism, riot or labor disruption, or any similar intervening circumstance.

[14] Under normal market conditions, the Sub-Adviser intends to seek to construct an investment portfolio with a weighted average effective duration of no less than two years and no more than eight years.

of borrowings for investment purposes) in fixed income instruments ("Fixed Income Securities"), which are defined as the following instruments: Fixed income securities issued or guaranteed by foreign corporations [15] or foreign governments, including securities issued or guaranteed by companies (including hybrid securities), financial institutions, or government entities in emerging market countries; corporate or government bonds; sovereign debt; structured securities; [16] foreign currency transactions (discussed below); certain derivatives (discussed below); exchange-traded foreign equity securities (described below) and preferred securities; unsponsored ADRs; [17] zero coupon bonds; credit linked notes; pass-through notes; bank loans; and perpetual maturity bonds. Fixed Income Securities may have fixed or variable interest rates and any maturity. The Fund will generally invest in Fixed Income Securities from at least five emerging market countries,[18] with no more than 20% allocated to a single country. The Fund may invest in Fixed Income Securities of any credit quality, but seeks to invest no more than 20%, at the time of investment, in Fixed Income Securities that are unrated, rated BB+ or lower by Standard & Poor's Rating Service or Ba1 or lower by Moody's Investor Service, Inc. or the equivalent by any other nationally recognized statistical rating organization.

The Fund may purchase exchange-traded common stocks and exchange-traded preferred securities of foreign corporations. The Fund's investments in common stock of foreign corporations may also be in the form of ADRs (sponsored and unsponsored, as noted above),[19] Global Depositary Receipts, and European Depositary Receipts (collectively "Depositary Receipts").

The Fund may conduct foreign currency transactions on a spot (*i.e.*, cash) or forward basis (*i.e.*, by entering into forward contracts to purchase or sell foreign currencies). The Fund may also invest in the following derivatives: Foreign currency futures; credit default swaps;[20] and options, swaps, futures, and forward contracts on Fixed Income Securities. All such derivatives will be exchange traded or centrally cleared.[21]

B. Non-Principal Investments

While the Adviser and Sub-Adviser, under normal circumstances, will invest at least 80% of the Fund's net assets in the instruments described above, the Adviser and Sub-Adviser may invest up to 20% of the Fund's net assets in other securities and financial instruments, as described below.

The Fund may invest in U.S. Government obligations and U.S. equity securities. The Fund's investments in such U.S. equity securities may include securities traded over-the-counter ("OTC") as well as those traded on a securities exchange. The Fund may invest in convertible securities traded on an exchange or OTC.

The Fund may invest in repurchase agreements with commercial banks, brokers or dealers to generate income from its excess cash balances and to invest securities-lending cash collateral. The Fund may also enter into reverse repurchase agreements, which involve the sale of securities with an agreement to repurchase the securities at an agreed-upon price, date, and interest payment and which have the characteristics of borrowing. The Fund's exposure to reverse repurchase agreements will be covered by securities having a value equal to or greater than such commitments. Although there is no limit on the percentage of Fund assets that can be used in connection with reverse repurchase agreements, the Fund does not expect to engage, under normal circumstances, in reverse repurchase agreements with respect to more than 10% of its net assets.

In addition to repurchase agreements, the Fund may invest in short-term instruments, including money market instruments [22] and cash equivalents, and may hold cash.

The Fund may lend its portfolio securities in an amount not to exceed 33 ⅓% of the value of its total assets via a securities lending program through the Lending Agent, to brokers, dealers, and other financial institutions desiring to borrow securities to complete transactions and for other purposes. A securities lending program allows the Fund to receive a portion of the income generated by lending its securities and investing the respective collateral. The Fund will receive collateral for each loaned security that is at least equal to 102% of the market value of that security, marked to market each trading day.

The Fund may invest in Restricted Securities. Restricted Securities are securities that are not registered under the Securities Act, but which can be offered and sold to "qualified institutional buyers" under Rule 144A under the Securities Act or securities purchased after the lapse of the appropriate distribution compliance

[15] While the Fund is permitted to invest without restriction in corporate bonds, the Sub-Adviser expects that, under normal circumstances, the Fund will generally seek to invest in corporate bond issuances that have at least $100,000,000 par amount outstanding. Further, component corporate bonds that in the aggregate account for at least 75% of the weight of corporate bonds will have a minimum original principal outstanding of $100 million or more.

[16] Structured securities generally include privately issued and publicly issued structured securities, including certain publicly issued structured securities that are not agency securities. The Fund may invest up to 20% of its portfolio in structured securities and junior bank loans.

[17] *See* Amendment No. 3, *supra* note 8.

[18] An "emerging market country" is a country that, at the time the Fund invests in the related fixed income instruments, is classified as an emerging or developing economy by any supranational organization such as the World Bank or the United Nations, or related entities, or is considered an emerging market country for purposes of constructing a major emerging market securities index. A fixed income instrument is considered to be from an emerging market country if the issuer or guarantor of the instrument is either domiciled in an emerging market country or derives a majority of its cash flow or revenue from an emerging market country.

[19] The Fund may invest in sponsored or unsponsored ADRs; however, not more than 10% of the net assets of the Fund will be invested in unsponsored ADRs. All exchange-traded equity securities in which the Fund may invest will trade on markets that are members of the Intermarket Surveillance Group ("ISG") or that have entered into a comprehensive surveillance agreement with the Exchange.

[20] The Fund will enter into CDS agreements only with counterparties that meet certain standards of creditworthiness. The Fund will segregate assets necessary to meet any accrued payment obligations when it is the buyer of CDSs. In cases where the Fund is a seller of a CDS, if the CDS is physically settled or cash settled, the Fund will be required to segregate the full notional amount of the CDS.

[21] The Exchange states that the Adviser believes there will be minimal, if any, impact to the arbitrage mechanism as a result of the use of derivatives. Market makers and participants should be able to value derivatives as long as the positions are disclosed with relevant information. The Exchange states that the Adviser believes that the price at which Shares trade will continue to be disciplined by arbitrage opportunities created by the ability to purchase or redeem creation Shares at their net asset value ("NAV"), which should ensure that Shares will not trade at a material discount or premium in relation to their NAV.

[22] Money market instruments are generally short-term investments that may include but are not limited to: (i) Shares of money market funds (including those advised by the Adviser); (ii) obligations issued or guaranteed by the U.S. government, its agencies or instrumentalities (including government-sponsored enterprises); (iii) negotiable certificates of deposit ("CDs"), bankers' acceptances, fixed time deposits and other obligations of U.S. and foreign banks (including foreign branches) and similar institutions; (iv) commercial paper rated at the date of purchase "Prime–1" by Moody's or "A–1" by S&P, or if unrated, of comparable quality as determined by the Adviser; (v) non-convertible corporate debt securities (*e.g.*, bonds and debentures) with remaining maturities at the date of purchase of not more than 397 days and that satisfy the rating requirements set forth in Rule 2a–7 under the 1940 Act; and (vi) short-term U.S. dollar-denominated obligations of foreign banks (including U.S. branches) that, in the opinion of the Adviser, are of comparable quality to obligations of U.S. banks that may be purchased by the Fund. Any of these instruments may be purchased on a current or a forward-settled basis.

period under Regulation S under the Securities Act.

The Fund may invest in the securities of other investment companies, including affiliated funds and money market funds, subject to applicable limitations under Section 12(d)(1) of the 1940 Act.

III. Discussion and Commission Findings

After careful review, the Commission finds that the Exchange's proposal to list and trade the Shares is consistent with the Exchange Act and the rules and regulations thereunder applicable to a national securities exchange.[23] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Exchange Act,[24] which requires, among other things, that the Exchange's rules be designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Commission also finds that the proposal to list and trade the Shares on the Exchange is consistent with Section 11A(a)(1)(C)(iii) of the Exchange Act,[25] which sets forth Congress' finding that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities. Quotation and last-sale information for the Shares will be available on the facilities of the Consolidated Tape Association. The Exchange represents that the intraday, closing, and settlement prices of common stocks and other exchange-listed instruments (including Depositary Receipts, preferred securities, convertible securities, common stock, and ETPs) will be readily available from the securities exchanges trading those securities as well as from automated quotation systems, published or other public sources, or online information services. Intraday and closing price information for exchange-traded options and futures will be available from the applicable exchange and from major market data vendors. In addition, price information for U.S. exchange-traded options will be available from the Options Price Reporting Authority.

Quotation information from brokers and dealers or pricing services will be available for Fixed Income Securities and U.S. Government obligations. Price information regarding short-term instruments, spot currency transactions, OTC-traded derivative instruments (including options, swaps, and forward currency transactions), and non-exchange-listed equity securities traded in the OTC market (including Restricted Securities, repurchase and reverse repurchase agreements, OTC equity securities, OTC-traded preferred securities, and OTC-traded convertible securities) is available from major market data vendors.

The Commission also believes that the proposal to list and trade the Shares is reasonably designed to promote fair disclosure of information that may be necessary to price the Shares appropriately and to prevent trading when a reasonable degree of transparency cannot be assured. On each business day, before commencement of trading in Shares during Regular Trading Hours[26] on the Exchange, the Fund will disclose on its Web site the identities and quantities of the portfolio of securities and other assets (the "Disclosed Portfolio") held by the Fund that will form the basis for the Fund's calculation of NAV at the end of the business day.[27] The Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time.

In addition, the Intraday Indicative Value will be based upon the current value for the components of the Disclosed Portfolio and will be updated and widely disseminated by one or more major market data vendors at least every 15 seconds during the Exchange's Regular Trading Hours. The Custodian, through the National Securities Clearing Corporation, will make available on each business day, prior to the opening of business on the Exchange, the list of the names and the required number of shares of each Deposit Security or the required amount of Deposit Cash, as applicable, to be included in the current Fund Deposit (based on information at the end of the previous business day) for the Fund.

The NAV of the Shares generally will be calculated once daily Monday through Friday as of the close of regular trading on the Exchange, generally 4:00 p.m. Eastern Time (the "NAV Calculation Time") on each day that the Exchange is open for trading, based on prices at the NAV Calculation Time. The Fund's Web site, which will be publicly available prior to the public offering of Shares, will include a form of the prospectus for the Fund that may be downloaded and additional information relating to NAV and other applicable information.

The Exchange represents that trading in the Shares will be halted under the conditions specified in BATS Rule 11.18. Trading may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable.[28] Trading in the Shares also will be subject to Rule 14.11(i)(4)(B)(iv), which sets forth circumstances under which trading in the Shares may be halted.

The Exchange states that it prohibits the distribution of material non-public information by its employees. The Exchange represents that the Adviser is not registered as a broker-dealer but is affiliated with a broker-dealer and has implemented a "fire wall" with respect to that broker-dealer regarding access to information concerning the composition of and changes to the Fund's portfolio.

Trading of the Shares through the Exchange will be subject to the Exchange's surveillance procedures for derivative products, including Managed Fund Shares. The Exchange may obtain information regarding trading in the Shares and the underlying shares in exchange-traded investment companies, U.S. equity securities, foreign equity securities, futures, and options via the ISG, from other exchanges who are

[23] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition and capital formation. *See* 15 U.S.C. 78c(f).

[24] 15 U.S.C. 78f(b)(5).

[25] 15 U.S.C. 78k–1(a)(1)(C)(iii).

[26] Regular Trading Hours are 9:30 a.m. to 4:00 p.m. Eastern Time.

[27] The Fund's disclosure of derivative positions in the Disclosed Portfolio will include information that market participants can use to value these positions intraday. The Disclosed Portfolio will include, as applicable: The ticker symbol; CUSIP number or other identifier, if any; a description of the holding (including the type of holding, such as the type of swap); the identity of the security, commodity, index or other asset or instrument underlying the holding, if any; for options, the option strike price; quantity held (as measured by, for example, par value, notional value or number of shares, contracts, or units); maturity date, if any; coupon rate, if any; effective date, if any; market value of the holding; and the percentage weighting of the holding in the Fund's portfolio. The Web site and information will be publicly available at no charge. Under accounting procedures to be followed by the Fund, trades made on the prior business day will be booked and reflected in NAV on the current business day. Accordingly, the Fund will be able to disclose at the beginning of the business day the portfolio that will form the basis for the NAV calculation at the end of the business day.

[28] These may include: (1) The extent to which trading is not occurring in the securities and/or the financial instruments composing the Disclosed Portfolio of the Fund; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present.

members or affiliates of the ISG, or from other exchanges with which the Exchange has entered into a comprehensive surveillance sharing agreement.[29] In addition, the Exchange is able to access, as needed, trade information for certain fixed income instruments reported to FINRA's Trade Reporting and Compliance Engine.

The Exchange represents that it deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. In support of this proposal, the Exchange has also made the following representations:

(1) The Shares will be subject to BATS Rule 14.11(i), which sets forth the initial and continued listing criteria applicable to Managed Fund Shares.[30]

(2) All statements and representations made regarding (a) the description of the portfolio, (b) limitations on portfolio holdings or reference assets, or (c) the applicability of Exchange rules and surveillance procedures shall constitute continued listing requirements for listing the Shares on the Exchange.[31]

(3) The issuer will advise the Exchange of any failure by the Fund to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Exchange Act, the Exchange will surveil for compliance with the continued listing requirements. If the Fund is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under Exchange Rule 14.12.[32]

(4) The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions.[33]

(5) Trading of the Shares through the Exchange will be subject to the Exchange's surveillance procedures for derivative products, including Managed Fund Shares, and these procedures are adequate to properly monitor the trading of the Shares on the Exchange during all trading sessions and to deter and detect violations of Exchange rules and the applicable federal securities laws.[34]

(6) Prior to the commencement of trading, the Exchange will inform its members in an Information Circular of the special characteristics and risks associated with trading the Shares. Specifically, the Information Circular will discuss the following: (a) The procedures for purchases and redemptions of Shares in Creation Units (and that Shares are not individually redeemable); (b) BATS Rule 3.7, which imposes suitability obligations on Exchange members with respect to recommending transactions in the Shares to customers; (c) how information regarding the Intraday Indicative Value and the Disclosed Portfolio is disseminated; (d) the risks involved in trading the Shares during the Pre-Opening and After Hours Trading Sessions when an updated Intraday Indicative Value will not be calculated or publicly disseminated; (e) the requirement that members deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (f) trading information.[35]

(7) For initial and continued listing, the Fund must be in compliance with Rule 10A–3 under the Act.[36]

(8) A minimum of 100,000 Shares will be outstanding at the commencement of trading on the Exchange.[37]

(9) The Fund will enter into CDS agreements only with counterparties that meet certain standards of creditworthiness.[38]

(10) The Fund may invest up to 20% of its portfolio in structured securities and junior bank loans in the aggregate.[39]

(11) Under normal circumstances, the Fund will generally seek to invest in corporate bond issuances that have at least $100,000,000 par amount outstanding. Further, component corporate bonds that in the aggregate account for at least 75% of the weight of corporate bonds will have a minimum original principal outstanding of $100 million or more.[40]

(12) The Fund may invest in sponsored or unsponsored ADRs; however, not more than 10% of the net assets of the Fund will be invested in unsponsored ADRs.[41]

(13) All exchange-traded instruments, including investment company securities, futures, and options will trade on markets that are a member of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.[42]

This approval order is based on all of the Exchange's representations, including those set forth above and in Amendments No. 1, No. 2, and No. 3.

For the foregoing reasons, the Commission finds that the proposed rule change, as modified by Amendment No. 1, No. 2, and No. 3, is consistent with Section 6(b)(5) of the Act[43] and the rules and regulations thereunder applicable to a national securities exchange.

IV. Solicitation of Comments on Amendment No. 1

Interested persons are invited to submit written data, views, and arguments concerning whether Amendment No. 1 is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–BATS–2015–94 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BATS–2015–94. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing will also be available for

[29] For a list of the current members and affiliate members of ISG, *see www.isgportal.com*. The Exchange also notes that all exchange-traded instruments, including investment company securities, futures, and options will trade on markets that are a member of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. *See* Amendment No. 1, *supra* note 6, at 30, n.27.

[30] *See* Amendment No. 1, *supra* note 6, at 28.

[31] *See* Amendment No. 2, *supra* note 7, at 3.

[32] *Id.* at 4.

[33] *See* Amendment No. 1, *supra* note 6, at 29.

[34] *Id.* at 29–30.

[35] *Id.* at 30–31.

[36] *Id.* at 28. *See also* 17 CFR 240.10A–3.

[37] *See* Amendment No. 1, *supra* note 6, at 28.

[38] *Id.* at 12.

[39] *Id.* at 9.

[40] *Id.*

[41] *Id.* at 11.

[42] *Id.* at 30, n.27.

[43] 15 U.S.C. 78f(b)(5).

inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BATS–2015–94 and should be submitted on or before May 5, 2016.

V. Accelerated Approval of Proposed Rule Change as Modified by Amendment Nos. 1, 2, and 3

The Commission finds good cause to approve the proposed rule change, as modified by Amendment No. 1, No. 2, and No. 3, prior to the 30th day after the date of publication of notice of Amendment No. 1 in the **Federal Register**. The Exchange submitted Amendment No. 1 to, among other things, provide clarifying details about the investments the Fund would be permitted to hold; to further limit the percentage of the Fund's portfolio that may be composed of structured securities and junior bank loans; to limit the potential risk associated with derivative transactions; and to represent that the Adviser believes there will be minimal, if any, impact to the arbitrage mechanism as a result of the Fund's use of derivatives. This information aided the Commission in evaluating the likelihood that market participants may engage in effective arbitrage. Accordingly, the Commission finds good cause, pursuant to Section 19(b)(2) of the Act,[44] to approve the proposed rule change, as modified by Amendment No. 1, No. 2, and No. 3, on an accelerated basis.

VI. Conclusion

IT IS THEREFORE ORDERED, pursuant to Section 19(b)(2) of the Exchange Act, that the proposed rule change (SR–BATS–2015–94), as modified by Amendment No. 1, No. 2, and No. 3, is hereby approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[45]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–08554 Filed 4–13–16; 8:45 am]

BILLING CODE 8011–01–P

[44] 15 U.S.C. 78s(b)(2).

[45] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77573; File No. SR–CBOE–2016–036]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to SPXPM Pilot Program

April 8, 2016.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 7, 2016, Chicago Board Options Exchange, Incorporated (the "Exchange" or "CBOE") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a "non-controversial" proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to extend the operation of its SPXPM pilot program through May 3, 2017. The text of the proposed rule change is provided below.

(additions are italicized; deletions are [bracketed])

* * * * *

Chicago Board Options Exchange, Incorporated

Rules

* * * * *

Rule 24.9. Terms of Index Option Contracts

No change.

. . . Interpretations and Policies:

.01–.13 No change.

.14 In addition to A.M.-settled Standard & Poor's 500 Stock Index options approved for trading on the Exchange pursuant to Rule 24.9, the Exchange may also list options on the S&P 500 Index whose exercise settlement value is derived from closing prices on the last trading day prior to expiration ("SPXPM"). The Exchange may also list options on the Mini-SPX Index ("XSP") whose exercise settlement value is derived from closing prices on the last trading day prior to expiration ("P.M.-settled"). SPXPM options and P.M.-settled XSP options will be listed for trading for a pilot period ending May 3, 201[6]*7.*

* * * * *

The text of the proposed rule change is also available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On February 8, 2013, the Exchange received approval of a rule change that established a Pilot Program that allows the Exchange to list options on the S&P 500 Index whose exercise settlement value is derived from closing prices on the last trading day prior to expiration ("SPXPM").[5] On July 31, 2013, the Exchange received approval of a rule change that amended the Pilot Program to allow the Exchange to list options on the Mini-SPX Index ("XSP") whose exercise settlement value is derived from closing prices on the last trading day prior to expiration ("P.M.-settled")[6] (together, SPXPM and P.M.-settled XSP to be referred to herein as the "Pilot Products").[7] In January 2014, the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] *See* Securities Exchange Act Release No. 68888 (February 8, 2013), 78 FR 10668) (February 14, 2013) (SR–CBOE–2012–120) (the "SPXPM Approval Order").

[6] *See* Securities Exchange Act Release No. 70087 (July 31, 2013), 78 FR 47809 (August 6, 2013) (SR–CBOE–2013–055) (the "P.M.-settled XSP Approval Order").

[7] For more information on the Pilot Products or the Pilot Program, *see* the SPXPM Approval Order and the P.M.-settled XSP Approval Order.

Exchange filed a proposed rule change that extended the end date of the pilot period from February 8, 2014 to November 3, 2014.[8] Additionally, in October 2014, the Exchange filed a proposed rule change that extended the end date of the pilot period from November 3, 2014 to May 3, 2016.[9] The Exchange hereby proposes to further extend the end date of the pilot period to May 3, 2017.

During the course of the Pilot Program and in support of the extensions of the Pilot Program, the Exchange submits to the Securities and Exchange Commission (the "Commission") reports regarding the Pilot Program that detail the Exchange's experience with the Pilot Program, pursuant to the SPXPM Approval Order and the P.M.-settled XSP Approval Order. To date, the Exchange has submitted two annual Pilot Program reports to the Commission, as well as various periodic interim reports, as required by the Commission while the Pilot Program is in effect. The annual reports contain an analysis of volume, open interest, and trading patterns. The analysis examines trading in Pilot Products as well as trading in the securities that comprise the underlying index. Additionally, for series that exceed certain minimum open interest parameters, the annual reports provide analysis of index price volatility and share trading activity. The periodic interim reports contain some, but not all, of the information contained in the annual reports. In providing the annual and periodic interim reports (the "pilot reports") to the Commission, the Exchange has requested confidential treatment of the pilot reports under the Freedom of Information Act ("FOIA").[10] The confidentiality of the pilot reports is subject to the provisions of FOIA.

The pilot reports both contain the following volume and open interest data:

(1) Monthly volume aggregated for all trades;

(2) monthly volume aggregated by expiration date;

(3) monthly volume for each individual series;

(4) month-end open interest aggregated for all series;

(5) month-end open interest for all series aggregated by expiration date; and

(6) month-end open interest for each individual series.

The annual reports also contain the information noted in Items (1) through (6) above for Expiration Friday, A.M.-settled, S&P 500 index options traded on CBOE, as well as the following analysis of trading patterns in the Pilot Products options series in the Pilot Program:

(1) A time series analysis of open interest; and

(2) an analysis of the distribution of trade sizes.

Finally, for series that exceed certain minimum parameters, the annual reports contain the following analysis related to index price changes and underlying share trading volume at the close on Expiration Fridays:

(1) A comparison of index price changes at the close of trading on a given Expiration Friday with comparable price changes from a control sample. The data includes a calculation of percentage price changes for various time intervals and compare that information to the respective control sample. Raw percentage price change data as well as percentage price change data normalized for prevailing market volatility, as measured by the CBOE Volatility Index (VIX), is provided; and

(2) a calculation of share volume for a sample set of the component securities representing an upper limit on share trading that could be attributable to expiring in-the-money series. The data includes a comparison of the calculated share volume for securities in the sample set to the average daily trading volumes of those securities over a sample period.

The minimum open interest parameters, control sample, time intervals, method for randomly selecting the component securities, and sample periods are determined by the Exchange and the Commission. In proposing to extend the Pilot Program, the Exchange will continue to abide by the reporting requirements described herein, as well as in the SPXPM Approval Order and the P.M.-settled XSP Approval Order.[11] Additionally, all such pilot reports provided by the Exchange will continue to include a request for confidential treatment under FOIA.[12]

The Exchange proposes the extension of the Pilot Program in order to continue to give the Commission more time to consider the impact of the Pilot Program. To this point, CBOE believes that the Pilot Program has been well-received by its Trading Permit Holders and the investing public, and the Exchange would like to continue to provide investors with the ability to trade SPXPM and P.M.-settled XSP options. All terms regarding the trading of the Pilot Products shall continue to operate as described in the SPXPM Approval Order and the P.M.-settled XSP Approval Order. The Exchange merely proposes herein to extend the term of the Pilot Program to May 3, 2017.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[13] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[14] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[15] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that the proposed extension of the Pilot Program will continue to provide greater opportunities for investors. Further, the Exchange believes that it has not experienced any adverse effects or meaningful regulatory concerns from the operation of the Pilot Program. As such, the Exchange believes that the extension of the Pilot Program does not raise any unique or prohibitive regulatory concerns. Also, the Exchange believes that such trading has not, and will not, adversely impact fair and orderly markets on Expiration Fridays for the underlying stocks comprising the

[8] *See* Securities Exchange Act Release No. 71424 (January 28, 2014), 79 FR 6249 (February 3, 2014) (SR–CBOE–2014–004).

[9] *See* Securities Exchange Act Release No. 73338 (October 10, 2014), 79 FR 62502 (October 17, 2014) (SR–CBOE–2014–076).

[10] 5 U.S.C. 552.

[11] Pursuant to Securities Exchange Act Release No. 75914 (September 14, 2015), 80 FR 56522 (September 18, 2015) (SR–CBOE–2015–079), the Exchange added SPXPM and P.M.-settled XSP options to the list of products approved for trading during Extended Trading Hours ("ETH"). The Exchange will also include the applicable information regarding SPXPM and P.M.-settled XSP options that trade during ETH in its annual and interim reports.

[12] *See supra* note 10 and surrounding discussion. If the Exchange seeks permanent approval of the pilot program, the Exchange recognizes that certain information in the pilot reports may need to be made available on a public basis.

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(5).

[15] *Id.*

S&P 500 index. The extension of the Pilot Program will continue to provide investors with the opportunity to trade the desirable products of SPXPM and P.M.-settled XSP, while also providing the Commission further opportunity to observe such trading of the Pilot Products.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe the continuation of the Pilot Program will impose any unnecessary or inappropriate burden on intramarket competition because it will continue to apply equally to all CBOE market participants, and the Pilot Products will be available to all CBOE market participants. The Exchange believes there is sufficient investor interest and demand in the Pilot Program to warrant its extension. The Exchange believes that, for the period that the Pilot Program has been in operation, it has provided investors with desirable products with which to trade. Furthermore, the Exchange believes that it has not experienced any adverse market effects or regulatory concerns with respect to the Pilot Program. The Exchange further does not believe that the proposed extension of the Pilot Program will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because it only applies to trading on CBOE. To the extent that the continued trading of the Pilot Products may make CBOE a more attractive marketplace to market participants at other exchanges, such market participants may elect to become CBOE market participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[16] and Rule 19b–4(f)(6)(iii) thereunder.[17]

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The existing Pilot Program currently expires on May 3, 2016. The Commission believes that waiving the 30-day operative delay to the extent necessary to allow the proposal to become operative on May 3, 2016 is consistent with the protection of investors and the public interest, as it will allow the Pilot Program to continue uninterrupted after its current expiration date, thereby avoiding investor confusion that could result from a temporary interruption in the Pilot Program. For this reason, the Commission designates the proposed rule change to be operative on May 3, 2016.[18]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–CBOE–2016–036 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2016–036. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2016–036 and should be submitted on or before May 5, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–08560 Filed 4–13–16; 8:45 am]

BILLING CODE 8011–01–P

[16] 15 U.S.C. 78s(b)(3)(A).

[17] 17 CFR 240.19b–4(f)(6)(iii). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[18] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:

Rule 15b1–1/Form BD, SEC File No. 270–19, OMB Control No. 3235–0012.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995

("PRA") (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget ("OMB") a request for approval of extension of the previously approved collection of information provided for in Rule 15b1–1 (17 CFR 240.15b1–1) and Form BD (17 CFR 249.501) under the Securities Exchange Act of 1934 (17 U.S.C. 78a *et seq.*).

Form BD is the application form used by firms to apply to the Commission for registration as a broker-dealer, as required by Rule 15b1–1. Form BD also is used by firms other than banks and registered broker-dealers to apply to the Commission for registration as a municipal securities dealer or a government securities broker-dealer. In addition, Form BD is used to change information contained in a previous Form BD filing that becomes inaccurate.

The total industry-wide annual time burden imposed by Form BD is approximately 4,999 hours, based on approximately 13,732 responses (193 initial filings + 13,539 amendments). Each application filed on Form BD requires approximately 2.75 hours to complete and each amended Form BD requires approximately 20 minutes to complete. (193 × 2.75 hours = 531 hours; 13,539 × 0.33 hours = 4,468 hours; 531 hours + 4,468 hours = 4,999 hours.) The staff believes that a broker-dealer would have a Compliance Manager complete and file both applications and amendments on Form BD at a cost of $279/hour. Consequently, the staff estimates that the total internal cost of compliance associated with the annual time burden is approximately $1,394,721 per year ($279 × 4999). There is no external cost burden associated with Rule 15b1–1 and Form BD.

The Commission uses the information disclosed by applicants in Form BD: (1) To determine whether the applicant meets the standards for registration set forth in the provisions of the Exchange Act; (2) to develop a central information resource where members of the public may obtain relevant, up-to-date information about broker-dealers, municipal securities dealers, and government securities broker-dealers, and where the Commission, other regulators, and SROs may obtain information for investigatory purposes in connection with securities litigation; and (3) to develop statistical information about broker-dealers, municipal securities dealers, and government securities broker-dealers. Without the information disclosed in Form BD, the Commission could not effectively implement policy objectives of the Exchange Act with respect to its investor protection function.

Completing and filing Form BD is mandatory in order to engage in broker-dealer activity. Compliance with Rule 15b1–1 does not involve the collection of confidential information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following Web site: *www.reginfo.gov*. Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov*; and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov*. Comments must be submitted to OMB within 30 days of this notice.

Dated: April 8, 2016.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–08551 Filed 4–13–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77568; File No. SR–BOX–2016–15]

Self-Regulatory Organizations; BOX Options Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fee Schedule on the BOX Market LLC ("BOX") Options Facility

April 8, 2016.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 31, 2016, BOX Options Exchange LLC (the "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange filed the proposed rule change pursuant to Section 19(b)(3)(A)(ii) of the Act,[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange is filing with the Securities and Exchange Commission ("Commission") a proposed rule change to amend the Fee Schedule to revise the Complex Order pricing structure and make a clerical correction to Section III of the BOX Fee Schedule on the BOX Market LLC ("BOX") options facility. While changes to the fee schedule pursuant to this proposal will be effective upon filing, the changes will become operative on April 1, 2016. The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the Exchange's Internet Web site at *http://boxexchange.com*.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fee Schedule for trading on BOX to adopt a new pricing structure for Complex Orders.

Currently, Complex Orders executed on BOX are assessed differing fees and credits depending on where the Complex Order executes. Complex Orders that executed against orders on the BOX Book are assessed a flat fee depending on the account type of the Participant submitting the order; while Complex Orders that execute against other Complex Orders on the Complex Order Book are assessed a fee or credit

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

depending upon (i) the account type of the Participant submitting the order; and (ii) the account type of the contra party in the transaction.

First, the Exchange proposes to revise the Complex Order pricing structure to remove the execution distinction. Specifically, Complex Orders will now be assessed the same fee or credit regardless of whether the Complex Order executes against an Order on the BOX Book or against another Complex Order. To effect this change, the Exchange proposes to remove Section III.A. (Complex Orders Executed Against Orders on the BOX Book) and Section III.B. (Complex Orders Executed Against Other Complex Orders) and create a new Section III.A. entitled (All Complex Orders).

The Exchange then proposes to adopt a contra party pricing structure in this new section that will assess transaction fees and credits dependent upon three factors: (i) The account type of the Participant submitting the order; (ii) whether the Participant is a liquidity provider or liquidity taker; and (iii) the account type of the contra party.[5] The Exchange notes that Complex Orders in Penny Pilot Classes and Non-Penny Pilot Classes will continue to be assessed differently, a distinction that occurs across the entirety of the BOX Fee Schedule.

The Exchange proposed fee structure for all Complex Orders will be as follows:

Account type	Contra party	Penny pilot classes		Non-penny pilot classes	
		Maker fee/ credit	Taker fee/ credit	Maker fee/ credit	Taker fee/ credit
Public Customer	Public Customer	$0.00	$0.00	$0.00	$0.00
	Professional Customer/Broker Dealer	(0.35)	(0.35)	(0.70)	(0.70)
	Market Maker	(0.35)	(0.35)	(0.70)	(0.70)
Professional Customer or Broker Dealer.	Public Customer	(0.10)	0.45	(0.10)	0.80
	Professional Customer/Broker Dealer	(0.10)	0.30	(0.10)	0.45
	Market Maker	(0.10)	0.30	(0.10)	0.45
Market Maker	Public Customer	(0.10)	0.40	(0.10)	0.75
	Professional Customer/Broker Dealer	(0.10)	0.30	(0.10)	0.45
	Market Maker	(0.10)	0.30	(0.10)	0.45

For example, if a Public Customer submitted a Complex Order in a Penny Pilot Class (making liquidity), the Public Customer would be credited $0.35 if the Complex Order interacted with a Market Maker's Complex Order and the Market Maker (taking liquidity) would be charged $0.40. To expand on this example, if the Market Maker instead submitted a Complex Order in a Penny Pilot Class (making liquidity), the Market Maker would be credited $0.10 if the order interacted with a Public Customer's order and the Public Customer (taking liquidity) would be credited $0.35.

The Exchange also proposes to make a clerical correction to Section III of the BOX Fee Schedule. Specifically, the third paragraph in the introduction to this section references a Market Maker's ADV (Average Daily Volume). The Exchange no longer uses a Participant's ADV to determine volume based tiers for rebates and fees. Instead, the qualification thresholds are based on a percentage of the Participant's volume relative to the account type's overall total industry equity and ETF option volume. Therefore, the Exchange proposes to remove the reference in this sentence to ADV and replace it with "executed volume on BOX."

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act, in general, and Section 6(b)(4) and 6(b)(5) of the Act,[6] in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among BOX Participants and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes that the proposed Complex Order Fees are reasonable, equitable and not unfairly discriminatory. In particular, the proposed Complex Order Fees will allow the Exchange to be competitive with other exchanges and to apply fees and credits in a manner that is equitable among all BOX Participants. The Exchange operates within a highly competitive market in which market participants can readily direct order flow to any other competing exchange if they determine fees at a particular exchange to be excessive. The proposed Complex Order Fees are intended to attract Complex Orders to the Exchange by offering market participants incentives to submit their Complex Orders to the Exchange. The Exchange believes it is appropriate to provide incentives for market participants to submit Complex Orders, resulting in greater liquidity and ultimately benefiting all Participants trading on the Exchange.

The Exchange believes revising the Complex Order pricing structure to assess the same fee or credit regardless of whether the Complex Order executes against an Order on the BOX Book or against another Complex Order is reasonable, equitable and not unfairly discriminatory. With the adoption of the proposed Complex Order pricing structure, the Exchange believes it is no longer necessary to differentiate these transaction fees by where the Complex Order executes, and doing so will reduce investor confusion with respect to the applicable Complex Order fees and credits.

The Exchange believes the proposed Complex Order fee structure is reasonable, equitable and not unfairly discriminatory. The proposed fee structure is similar to the structure already in place for Complex Orders that execute against other Complex Orders, and simply adds a Make/Take factor. Further, a similar fee structure is already in place for Non-Auction Transactions on the Exchange and has been accepted by both the Commission and the industry.[7] The result of this structure is that a Participant does not know the fee it will be charged when submitting the Complex Order.

[5] This pricing model is similar to the Non-Auction Transactions fee structure in Section I of the BOX Fee Schedule.

[6] 15 U.S.C. 78f(b)(4) and (5).

[7] *See* supra note 5.

Therefore, the Participant must recognize that it could be charged the highest applicable fee on the Exchange's Complex Order schedule, which may, instead, be lowered or changed to a rebate depending upon how the Complex Order interacts.

The Exchange believes that the proposed credits for Public Customers in Complex Orders are reasonable. Under the proposed fee structure, Public Customers will never pay a fee for a Complex Order, but may receive a credit of $0.35 in Penny Pilot Classes and $0.70 in Non-Penny Pilot Classes. The Exchange believes providing a credit or charging no fee to Public Customers for Complex Orders is equitable and not unfairly discriminatory. The securities markets generally, and BOX in particular, have historically aimed to improve markets for investors and develop various features within the market structure for Public Customer benefit. Accordingly, the Exchange believes that charging no fee or providing a credit for Public Customers is appropriate and not unfairly discriminatory. Public Customers are less sophisticated than other Participants and the credit will help to attract a high level of Public Customer order flow to the BOX Book and create liquidity, which the Exchange believes will ultimately benefit all Participants trading on BOX.

The Exchange also believes it is reasonable, equitable and not unfairly discriminatory to give Public Customers a credit when their Complex Order executes against a non-Public Customer and, accordingly, charge non-Public Customers a higher fee when their Complex Order executes against a Public Customer compared to the fee or rebate they would be assessed if their Complex Order interacts with a non-Public Customer. As stated above, the Exchange aims to improve markets by developing features for the benefit of its Public Customers. Similar to the payment for order flow and other pricing models that have been adopted by the Exchange and other exchanges to attract Public Customer order flow, the Exchange increases fees to non-Public Customers to provide incentives for Public Customers. The Exchange believes that providing incentives for Complex Orders by Public Customers is reasonable and, ultimately, will benefit all Participants trading on the Exchange by attracting Public Customer order flow.

The Exchange believes that the proposed fees for Professional Customers and Broker Dealers in Complex Orders are reasonable. Under the proposed fee structure, a Professional Customer or Broker Dealer making liquidity and interacting with a Public Customer, Professional Customer, Broker Dealer or Market Marker will be credited $0.10 for Complex Orders in both Penny Pilot Classes and Non-Penny Pilot Classes. If the Professional Customer or Broker Dealer is instead taking liquidity, for Complex Orders in Penny Pilot Classes it will be charged either $0.45 if the Complex Order interacts with a Public Customer's Complex Order or $0.30 if the Complex Order interacts with a Professional Customer or Broker Dealer or a Market Maker. For Complex Orders in Non-Penny Pilot Classes, the Professional Customer or Broker Dealer will be charged either $0.80 if the Complex Order interacts with a Public Customer's Complex Order or $0.45 if the Complex Order interacts with a Professional Customer or Broker Dealer or a Market Maker.

The Exchange believes that charging Professional Customers and Broker Dealers higher fees than Public Customers for Complex Orders is equitable and not unfairly discriminatory. Professional Customers, while Public Customers by virtue of not being Broker Dealers, generally engage in trading activity more similar to Broker Dealer proprietary trading accounts (submitting more than 390 standard orders per day on average). The Exchange believes that the higher level of trading activity from these Participants will draw a greater amount of BOX system resources than that of non-professional, Public Customers. Because this higher level of trading activity will result in greater ongoing operational costs, the Exchange aims to recover its costs by assessing Professional Customers and Broker Dealers higher fees for transactions.

Finally, the Exchange believes that the proposed fees for Market Makers in Complex Orders are reasonable. Under the proposed fee structure, a Market Maker making liquidity and interacting with a Public Customer, Professional Customer, Broker Dealer or Market Marker will be credited $0.10 for Complex Orders in both Penny Pilot Classes and Non-Penny Pilot Classes. If the Market Maker is instead taking liquidity, for Complex Orders in Penny Pilot Classes it will be charged either $0.40 if the Complex Order interacts with a Public Customer's Complex Order or $0.30 if the Complex Order interacts with a Professional Customer or Broker Dealer or a Market Maker. For Complex Orders taking liquidity in Non-Penny Pilot Classes, the Market Maker will be charged either $0.75 if the Complex Order interacts with a Public Customer's Complex Order or $0.45 if the Complex Order interacts with a Professional Customer or Broker Dealer or a Market Maker.

The Exchange believes it is equitable and not unfairly discriminatory for BOX Market Makers to be assessed lower fees than Professional Customers and Broker Dealers for certain Complex Order executions because of the significant contributions to overall market quality that Market Makers provide. Specifically, Market Makers can provide higher volumes of liquidity and lowering their fees will help attract a higher level of Market Maker order flow to the BOX Book and create liquidity, which the Exchange believes will ultimately benefit all Participants trading on BOX. As such, the Exchange believes it is appropriate that Market Makers be charged lower transaction fees than Professional Customers and Broker Dealers for certain Complex Order executions.

The Exchange believes it is reasonable, equitable and not unfairly discriminatory for Professional Customers, Broker Dealers and Market Makers to be charged a higher fee for orders removing liquidity when compared to the credit they receive for orders that add liquidity. Giving a credit to Complex Orders that add liquidity will promote liquidity on the Exchange and ultimately benefit all participants on BOX. Further, the concept of incentivizing orders that add liquidity over orders that remove liquidity is commonly accepted within the industry as part of the "Make/Take" liquidity model.[8]

Finally, the Exchange also believes it is reasonable to charge Professional Customers, Broker Dealers, and Market Makers less for certain executions in Penny Pilot issues compared to Non-Penny Pilot issues because these classes are typically more actively traded; assessing lower fees will further incentivize order flow in Penny Pilot issues on the Exchange, ultimately benefiting all Participants trading on BOX. Additionally, the Exchange believes it is reasonable to give a greater credit to Public Customers for Complex Orders in Non-Penny Pilot issues as compared to Penny Pilot issues. Since these classes have wider spreads and are less actively traded, giving a larger credit will further incentivize Public Customers to trade in these classes, ultimately benefitting all Participants trading on BOX.

[8] The "Make/Take" model is currently used by the International Securities Exchange LLC ("ISE") and NASDAQ OMX PHLX LLC ("PHLX").

The Exchange believes that the proposed Complex Order fee structure will keep the Exchange competitive with other exchanges and will be applied in an equitable manner among all BOX Participants. The Exchange believes the proposed fee structure is reasonable and competitive with fee structures in place on other exchanges. Further, the Exchange believes that the competitive marketplace impacts the fees proposed for BOX.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that applying a fee structure that is determined according to whether the Complex Order removes or adds liquidity, the account type of the Participant submitting the Complex Order, and the contra party will result in Participants being charged appropriately for these transactions. Submitting a Complex is entirely voluntary and Participants can determine which type of order they wish to submit, if any, to the Exchange.

Further, the Exchange believes that this proposal will enhance competition between exchanges because it is designed to allow the Exchange to better compete with other exchanges for Complex Order flow.

Finally, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing exchanges. In such an environment, the Exchange must continually review, and consider adjusting, its fees and credits to remain competitive with other exchanges. For the reasons described above, the Exchange believes that the proposed rule change reflects this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Exchange Act [9] and Rule 19b–4(f)(2) thereunder,[10] because it establishes or changes a due, or fee.

[9] 15 U.S.C. 78s(b)(3)(A)(ii).

[10] 17 CFR 240.19b–4(f)(2).

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend the rule change if it appears to the Commission that the action is necessary or appropriate in the public interest, for the protection of investors, or would otherwise further the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–BOX–2016–15 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BOX–2016–15. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BOX–2016–15, and should be submitted on or before May 5, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–08555 Filed 4–13–16; 8:45 am]

BILLING CODE 8011–01–P

[11] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14688 and #14689]

Florida Disaster #FL–00112

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Florida dated 04/07/2016.

Incident: Severe Storms and Tornadoes.

Incident Period: 02/15/2016.

Effective Date: 04/07/2016.

Physical Loan Application Deadline Date: 06/06/2016.

Economic Injury (EIDL) Loan Application Deadline Date: 01/09/2017.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Escambia.

Contiguous Counties:

Florida: Santa Rosa.

Alabama: Baldwin, Escambia.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	3.625

	Percent
Homeowners Without Credit Available Elsewhere	1.813
Businesses With Credit Available Elsewhere	6.250
Businesses Without Credit Available Elsewhere	4.000
Non-Profit Organizations With Credit Available Elsewhere	2.625
Non-Profit Organizations Without Credit Available Elsewhere	2.625
For Economic Injury:	
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000
Non-Profit Organizations Without Credit Available Elsewhere	2.625

The number assigned to this disaster for physical damage is 14688 C and for economic injury is 14689 0.

The States which received an EIDL Declaration # are Florida, Alabama.

(Catalog of Federal Domestic Assistance Number 59008)

Dated: April 7, 2016.

Maria Contreras-Sweet,

Administrator.

[FR Doc. 2016–08653 Filed 4–13–16; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14692 and #14693]

Florida Disaster #FL–00115

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Florida dated 04/07/2016.

Incident: Severe Storms and Tornadoes.

Incident Period: 02/23/2016 through 02/24/2016.

Effective Date: 04/07/2016.

Physical Loan Application Deadline Date: 06/06/2016.

Economic Injury (EIDL) Loan Application Deadline Date: 01/09/2017.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing And Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Escambia.

Contiguous Counties:

Florida: Santa Rosa.

Alabama: Baldwin, Escambia.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	3.625
Homeowners Without Credit Available Elsewhere	1.813
Businesses With Credit Available Elsewhere	6.250
Businesses Without Credit Available Elsewhere	4.000
Non-Profit Organizations With Credit Available Elsewhere	2.625
Non-Profit Organizations Without Credit Available Elsewhere	2.625
For Economic Injury:	
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000
Non-Profit Organizations Without Credit Available Elsewhere	2.625

The number assigned to this disaster for physical damage is 14692 C and for economic injury is 14693 0.

The States which received an EIDL Declaration # are Florida, Alabama.

(Catalog of Federal Domestic Assistance Numbers 59008)

Dated: April 7, 2016.

Maria Contreras-Sweet,

Administrator.

[FR Doc. 2016–08662 Filed 4–13–16; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Research, Engineering and Development Advisory Committee Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction—cancellation of meeting.

SUMMARY: The FAA is issuing this notice to advise the public of the Research, Engineering and Development Advisory Committee meeting. The notice was previously published (81 FR 18933) in the April 1, 2016 issue of the **Federal Register**.

DATES: The meeting to be cancelled was to be held on April 20, 2016—9:30 a.m. to 4:00 p.m.

ADDRESSES: The meeting was to be held at the Federal Aviation Administration, 800 Independence Avenue SW., Round Room (10th Floor), Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Chinita A. Roundtree-Coleman at (609) 485–7149 or Web site at *chinita.roundtree-coleman@faa.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C. App. 2), notice is hereby given of a meeting cancellation of the Research, Engineering and Development (RE&D) Advisory Committee. The meeting agenda will include receiving from the Committee guidance for FAA's research and development investments in the areas of air traffic services, airports, aircraft safety, human factors and environment and energy. Attendance is open to the interested public but seating is limited. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to attend the meeting, present statements, or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the Committee at any time.

Issued in Washington, DC on April 6, 2016.

Chinita A. Roundtree-Coleman,

Computer Specialist.

[FR Doc. 2016–08392 Filed 4–13–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Transit-Oriented Development Planning Pilot Program

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of Funding Opportunity (NOFO): Solicitation of Project Proposals for the Pilot Program for Transit-Oriented Development Planning.

SUMMARY: The Federal Transit Administration (FTA) announces the availability of $20.49 million of Fiscal Year (FY) 2014, FY 2015 and FY 2016 funds under the Pilot Program for Transit-Oriented Development (TOD) Planning as authorized under Section 20005(b) of the Moving Ahead for Progress in the 21st Century Act (MAP–21), Public Law 112–141, July 6, 2012,

5338(a)(2)(B), as amended by the Fixing America's Surface Transportation (FAST) Act. The program augments FTA's Fixed Guideway Capital Investment Grants (CIG) Program by supporting comprehensive planning associated with new fixed guideway and core capacity improvement projects.

This notice solicits proposals to compete for FY 2014, FY 2015 and FY 2016 funding under the Pilot Program for TOD Planning and may include additional funds made available under future appropriations. It outlines the process to apply for funding, identifies FTA's priorities for these competitive funds, and establishes the criteria FTA will use to identify meritorious projects for funding. This announcement is available on the FTA Web site at: *http://www.fta.dot.gov.* FTA may announce final selections on the Web site and in the **Federal Register.** Additionally, a synopsis of this funding opportunity will be posted in the FIND module of the government-wide electronic grants (GRANTS.GOV) Web site at *http://www.grants.gov.*

DATES: Complete proposals for Pilot Program for TOD Planning funding must be submitted by 11:59 p.m. EDT June 13, 2016.

ADDRESSES: All proposals must be submitted electronically through the GRANTS.GOV APPLY function. Any agency intending to apply should initiate the process of registering on the GRANTS.GOV site immediately to ensure completion of registration before the submission deadline. Instructions for applying can be found on FTA's Web site at *http://www.fta.dot.gov/TODPilot* and in the "FIND" module of GRANTS.GOV.

FOR FURTHER INFORMATION CONTACT: For program-specific questions, please contact Benjamin Owen, Office of Planning and Environment, (202) 366–5602, email: *Benjamin.Owen@dot.gov.* A TDD is available at 1–800–877–8339 (TDD/FIRS).

SUPPLEMENTARY INFORMATION:

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A. Program Description

The Pilot Program for TOD Planning helps support FTA's mission of improving public transportation for America's communities by providing funding to local communities to integrate land use and transportation planning with a transit capital investment that is seeking, or has recently received, funding through the CIG Program. The Pilot Program is not intended to simply support planning that maintains or increases development adjacent to transit. Instead, the Pilot Program is intended to fund comprehensive planning that supports economic development, ridership, multimodal connectivity and accessibility, increased transit access for pedestrian and bicycle traffic, and mixed-use development near transit stations. For projects seeking CIG program funding, this comprehensive planning work will help them develop the information that addresses the CIG Program's evaluation criteria, increasing their competitiveness for funding from the CIG program. For projects that have received CIG construction grants since July 2012 when MAP–21 and this Pilot Program was enacted, this comprehensive planning work will help leverage the Federal investment already made and ensure successful transit corridors. The program also encourages identification of infrastructure needs and engagement with the private sector.

Through this program, FTA intends to fund comprehensive planning work, including for TOD, that would likely otherwise not occur without Federal support. FTA is seeking comprehensive planning projects covering an entire transit capital project corridor, rather than proposals that involve planning for individual station areas or only a small section of the corridor. FTA is also prioritizing applications in corridors with significant challenges related to TOD planning, low levels of existing development, or where the cost of the planning work to overcome the challenges exceeds what might be readily available locally. Lastly, FTA is seeking planning efforts that include strategies to support housing affordability and address residential and commercial displacement that can sometimes occur when transit capital projects are implemented.

This program will support priorities of the U.S. Department of Transportation. It will assist the Department with creating Ladders of Opportunity for all Americans by assisting local project sponsors with planning improved access to employment, health care, education, Oriented Development to revitalize and lift up regions and neighborhoods by attracting new opportunities, jobs and housing. The program will also promote public-private partnerships by requiring private sector participation.

Congress enacted the Pilot Program for TOD Planning to leverage the significant investments in transit projects FTA is making through its CIG Program. Therefore, FTA is requiring that proposed planning activities be associated with a capital transit project pursuing CIG Program funding, including projects currently in the Project Development or Engineering phases of the CIG program, projects that may be seeking entry into the CIG program in the future, and projects that received construction grants from the CIG program since July 2012 when MAP–21 was enacted (see section C, subsection 1 of this notice for more detail on this requirement).

To ensure any proposed planning work reflects the needs and aspirations of the local community and results in concrete, specific deliverables and outcomes, FTA is requiring that transit project sponsors partner with entities with land use planning authority in the transit project corridor to conduct the planning work. FTA will assess the strength of these partnerships in its evaluation of applications.

FTA has been considering the strength of local land use plans and policies in fostering TOD in its evaluation of capital investment grant projects for nearly two decades, over which time the practice of TOD planning and implementation in the United States has advanced significantly. Most local jurisdictions now develop station-area TOD plans in conjunction with the planning for transit capital investments, and several regions have funding tools to encourage TOD. With few exceptions, these advances in TOD practice have been locally funded and FTA's direct involvement has been limited. Thus, the goal of this program is to further TOD planning by addressing barriers to its implementation and ensuring concrete performance outcomes and measures.

B. Federal Award Information

The FAST Act authorizes FTA to make grants for eligible projects under the Pilot Program for TOD Planning on a competitive basis subject to the terms and conditions as authorized under Section 20005(b) of the Moving Ahead for Progress in the 21st Century Act (MAP–21), Public Law 112–141, July 6, 2012, with funding provided under 49 U.S.C. 5338(a)(2)(B), as amended by the

Fixing America's Surface Transportation (FAST) Act. The $20.49 million available consists of $0.49 million from the Consolidated Appropriations Act, 2014, $10 million from the Consolidated and Further Continuing Appropriations Act, 2015, and $10 million from the Consolidated Appropriations Act, 2016. FTA intends to award all three years' funding to selected applicants responding to this NOFO and may include additional funds made available under future appropriations.

FTA intends to fund as many meritorious TOD planning efforts as possible. Only proposals from eligible recipients for eligible activities will be considered for funding. FTA anticipates minimum grant awards of $250,000 and maximum grant awards of $2,000,000. The maximum period of performance allowed for the work covered by the award is 24 months.

C. Eligibility Information

1. Eligible Transit Projects

Any comprehensive planning work proposed for funding under the Pilot Program for TOD Planning must be associated with an eligible transit capital project. To be eligible, the proposed transit capital project must be a New Starts, Core Capacity or fixed-guideway Small Starts project as defined under the CIG Program (*e.g.*, in Section 5309(a) of title 49, United States Code), and be:

i. Expected to enter New Starts, Small Starts or Core Capacity Project Development in the future;

ii. In the Project Development or Engineering phase of the New Starts or Core Capacity process, or in the Project Development phase of the Small Starts process by the date the application to the Pilot Program for TOD Planning is submitted; or

iii. A project that received a construction grant through the CIG Program since July 2012 when the Pilot Program was enacted in MAP–21.

Based on this definition of an eligible transit project, the following types of transit projects are ineligible:

i. A proposed fixed guideway transit project that does not intend to seek CIG funding in the future, is not currently a CIG project in the Project Development or Engineering phase of the program, or that received a construction grant award from the CIG program prior to July 2012;

ii. Any proposed transit project that was awarded TOD Pilot Program funding in 2015; and

iii. Small Starts corridor-based bus rapid transit projects that do not meet the definition of a fixed-guideway project per Section 5309(a) of title 49, United States Code.

2. Eligible Applicants

Eligible applicants under this program must be FTA grantees (*i.e.*, existing direct and designated recipients) as of the publication date of this NOFO. An applicant must either be the project sponsor of an eligible transit capital project as defined in the previous subsection or an entity with land use planning authority in an eligible transit capital project corridor. Except in cases where an applicant is both the sponsor of an eligible transit project and has land use authority in at least a portion of the transit project corridor, the application for Pilot Program for TOD Planning funds must include sufficient evidence of a partnership between the transit project sponsor and at least one entity in the project corridor with land use planning authority. Sufficient evidence may include a memorandum of agreement or letter of intent signed by all parties that describes the parties' roles and responsibilities in the proposed comprehensive planning project. Only one application per transit capital project corridor may be submitted to FTA. Multiple applications submitted for a single transit capital project corridor indicate to FTA that partnerships are not in place and FTA will reject all of the applications.

3. Eligible Activities

Applications for funding under the Pilot Program for TOD Planning must describe how the planning work proposed addresses all six aspects of the general authority stipulated in Section 20005(b)(2) of MAP–21:

i. Enhances economic development, ridership, and other goals established during the project development and engineering processes;

ii. facilitates multimodal connectivity and accessibility;

iii. increases access to transit hubs for pedestrian and bicycle traffic;

iv. enables mixed-use development;

v. identifies infrastructure needs associated with the eligible project; and

vi. includes private sector participation.

Applications should describe the anticipated final deliverables that will result from the planning work. Examples of final deliverables may include, but are not restricted to, the following:

i. A comprehensive plan report that includes corridor development policies and station development plans, a proposed timeline, and recommended financing strategies for these plans, which may include use of Federal loan programs such as USDOT's Transportation Infrastructure Finance and Innovation Act (TIFIA) and Railroad Rehabilitation Improvement and Financing (RRIF) programs;

ii. A strategic plan report that includes corridor specific planning strategies and program recommendations to support comprehensive planning;

iii. Revised TOD-focused zoning codes and/or resolutions;

iv. A report evaluating and recommending tools to encourage TOD implementation such as land banking, value capture, and development financing;

v. An analysis of the effects of gentrification due to transit capital project implementation and recommendations to promote inclusive communities and reduce residential and commercial displacement;

vi. An analysis of efforts to connect people to opportunities by promoting multimodal access to transit stations and by improving connectivity of disadvantaged populations to essential services;

vii. Policies to encourage TOD; and/or

viii. Local or regional resolutions to implement TOD plans and/or establish TOD funding mechanisms.

4. Ineligible Activities

Applications should not include the following activities, which include activities that are targeted to only a single location rather than the comprehensive corridor-focused TOD planning study desired by FTA:

i. TOD planning work in a single transit capital project station area;

ii. Transit project development activities that would be reimbursable through the CIG Program under a construction grant agreement, such as project planning, the design and engineering of stations and other facilities, environmental analyses needed for the transit capital project, or costs associated with specific joint development activities;

iii. Capital projects, such as land acquisition, construction, and utility relocation; and

iv. Site- or parcel-specific planning, such as the design of individual structures.

5. Cost Sharing or Matching

The maximum Federal funding share is 80 percent.

6. Eligible Sources of Match

The application must describe the cost of the planning effort proposed and identify the funding sources necessary to complete the work, including the amount of Pilot Program for TOD

Planning funds being requested. The applicant must describe each source of the local match and identify whether the funds from each source are committed or planned. For funds identified as committed, the application must include documentation of the funding commitments such as a letter, resolution, adopted budget, etc.

Eligible sources of local match include the following: Cash from non-Government sources other than revenues from providing public transportation services; revenues derived from the sale of advertising and concessions; amounts received under a service agreement with a State or local social service agency or private social service organization; revenues generated from value capture financing mechanisms; or funds from an undistributed cash surplus; replacement or depreciation cash fund or reserve; or new capital. In-kind contributions are permitted. Transportation Development Credits (formerly referred to as Toll Revenue Credits) may not be used to satisfy the local match requirement.

D. Application and Submission Information

1. Address

Project proposals must be submitted electronically through *http://www.GRANTS.GOV* by 11:59 p.m. June 13, 2016. Mail and fax submissions will not be accepted.

2. Content and Form of Application Submission

Proposals should include only a completed SF 424 Mandatory form (downloaded from GRANTS.GOV) and the following attachments to the completed SF 424:

i. A completed Applicant and Proposal Profile supplemental form for the Pilot Program for Transit-Oriented Development Planning (supplemental form) found on the FTA Web site at *http://www.fta.dot.gov/TODPilot*. The supplemental form provides a consistent format for proposers to respond to the criteria outlined in this NOFO and takes the place of a free-form written application. Supplemental forms for other FTA funding programs will not be accepted;

ii. A map of the proposed study area showing the transit project alignment and stations, major roadways, major landmarks, and the geographic boundaries of the proposed comprehensive planning activities;

iii. Documentation of a partnership between the transit project sponsor and an entity in the project corridor with land use planning authority to conduct the planning work, if the applicant does not have both of these responsibilities; and

iv. Documentation of any funding commitments for the proposed planning work.

The supplemental form as described above must be completed and validated using the "Validate Form" button. The supplemental form prompts applicants for all required information about the proposed planning work (listed below), includes fields for responses and takes the place of a free-form written application. In the event of errors, FTA recommends saving the form on your computer and ensuring that JavaScript is enabled in your PDF reader;

The supplemental form will prompt applicants to address the following items:

1. Identify the project title and project scope to be funded, including anticipated final deliverables.

2. Identify an eligible transit project that meets the requirements of section C, subsection 1 of this notice.

3. Provide evidence of a partnership between the transit project sponsor and at least one agency with land use authority in the transit capital project corridor, per section C, subsection 2 of this notice.

4. Address the six aspects of general authority under MAP–21 Section 20005(b)(2).

5. Address each evaluation criterion separately, demonstrating how the project responds to each criterion as described in section E.

6. Provide a line-item budget for the total planning effort, with enough detail to indicate the various key components of the project.

7. Identify the Federal amount requested.

8. Document the matching funds, including amount and source of the match (may include local or private sector financial participation in the project). Describe whether the matching funds are committed or planned, and include documentation of the commitments.

9. Address whether other Federal funds have been sought or received for the project.

10. Provide a project time-line, including significant milestones such as the dates anticipated to incorporate the planning work effort into the region's unified planning work program, and to complete all of the proposed planning work within the maximum period of performance.

11. Describe how the planning work advances goals of the region's metropolitan transportation plan.

12. Propose performance criteria for the implementation of the planning work.

13. Identify possible impediments to the planning work and its implementation, and how the work will address them.

14. For projects expected to enter New Starts, Small Starts or Core Capacity Project Development in the future, applications must demonstrate the seriousness of the transit capital project by indicating whether:

i. It has been included in a local plan (*e.g.*, a local master plan, comprehensive plan, land use plan or transportation plan);

ii. It has been included in a regional plan (*e.g.*, a regional land use plan or transportation plan);

iii. It has been included in a statewide transportation plan or transit plan;

iv. A feasibility study has been undertaken;

v. NEPA process is underway;

vi. The locally preferred alternative has been selected:

vii. Community and/or stakeholder engagement has started;

viii. Discussions with the FTA Regional Office have taken place;

For each of the above indicate yes or no, and attach a link to any applicable documents or Web sites. Do not attach the documentation.

FTA will not consider any additional materials submitted by applicants in its evaluation of proposals. The total length of the completed supplemental form and documentation of partnerships and funding commitments should be no more than 15 pages.

Within 24–48 hours after submitting an electronic application, the applicant should receive three email messages from GRANTS.GOV: (1) Confirmation of successful transmission to GRANTS.GOV, (2) confirmation of successful validation by GRANTS.GOV and (3) confirmation of successful validation by FTA. If confirmations of successful validation are not received and a notice of failed validation or incomplete materials is received, the applicant must address the reason for the failed validation, as described in the email notice, and resubmit before the submission deadline. If making a resubmission for any reason, include all original attachments regardless of which attachments were updated and check the box on the supplemental form indicating this is a resubmission.

Any addenda that FTA releases on the application process will be posted at *http://www.fta.dot.gov/TODPilot*. Important: FTA urges proposers to submit their applications at least 72 hours prior to the due date to allow time

to receive the validation messages and to correct any problems that may have caused a rejection notification. FTA will not accept submissions after the stated submission deadline. GRANTS.GOV scheduled maintenance and outage times are announced on the GRANTS.GOV Web site at *http://www.GRANTS.GOV*. Deadlines will not be extended due to scheduled maintenance or outages.

Proposers are encouraged to begin registration process on the GRANTS.GOV site well in advance of the submission deadline. Registration is a multi-step process, which may take several weeks to complete before an application can be submitted. Registered proposers may still be required to take steps to keep their registration up to date before submissions can be made successfully: (1) Registration in the System for Award Management (SAM) is renewed annually and (2) persons making submissions on behalf of the Authorized Organization Representative (AOR) must be authorized in GRANTS.GOV by the AOR to make submissions. Instructions on the GRANTS.GOV registration process are listed in Appendix A.

Information such as proposer name, Federal amount requested, local match amount, description of areas served, etc. may be requested in varying degrees of detail on both the SF 424 form and supplemental form. Proposers must fill in all fields unless stated otherwise on the forms. Proposers should use both the "Check Package for Errors" and the "Validate Form" validation buttons on both forms to check all required fields on the forms, and ensure that the federal and local amounts specified are consistent. The information listed in sections D of this NOFO MUST be included on the SF 424 and supplemental forms for all requests for Pilot Program for TOD Planning funding.

3. Applicant Information

i. Name of the lead applicant and, if applicable, the specific co-sponsors submitting the application.

ii. Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number.

iii. Contact information including: Contact name, title, address, congressional district, fax and phone number, and email address if available.

iv. Name of person(s) authorized to apply on behalf of the system (attach a signed transmittal letter) must accompany the proposal.

E. Application Review Information

1. Criteria

FTA will evaluate proposals that include all components identified in section D of this notice according to the following three criteria:

a. Demonstrated Need

FTA will evaluate each project to determine the need for funding based on the following factors:

i. Barriers to TOD in the corridor and how the proposed work will overcome them;

ii. How the proposed work will advance TOD implementation in the corridor and region;

iii. Justification as to why Federal funds are needed for the proposed work; and

iv. Extent to which the transit project corridor could benefit from TOD planning.

b. Strength of the Work Plan, Schedule and Process

FTA will evaluate the strength of the work plan, schedule and process included in an application based on the following factors:

i. Extent to which the schedule contains sufficient detail, identifies all steps needed to implement to work proposed, and is achievable;

ii. The proportion of the project corridor covered by the work plan;

iii. Extent of partnerships, including with non-public sector entities;

iv. The partnerships' technical capability to develop, adopt and implement the plans, based on FTA's assessment of the applicant's description of the policy formation, implementation, and financial roles of the partners, and the roles and responsibilities of proposed staff;

v. Whether the performance measures identified in the application relate to the goals of the planning work;

vi. The extent to which the application demonstrates efforts to address gentrification and displacement;

vii. The extent to which the application demonstrates a commitment to connecting communities, particularly connecting disadvantaged populations to essential services, and to revitalizing economically distressed areas;

viii. Whether the proposed work will examine innovative financial tools such as value capture; and

ix. Whether the application demonstrates leveraging other Federal grants that would support the proposed work plan.

c. Funding Commitments

FTA will assess the status of local matching funds for the planning work. Applications demonstrating that matching funds for the proposed planning work are committed will receive higher ratings from FTA on this factor. Proposed planning projects for which matching funding sources have been identified, but are not yet committed, will be given lower ratings under this factor by FTA, as will proposed projects for which in-kind contributions constitute the primary or sole source of matching funds.

2. Review and Selection Process

A technical evaluation committee consisting of FTA staff will perform a primarily qualitative evaluation according to the criteria described above. FTA will assign greatest emphasis to the Demonstrated Need and Strength of the Work Plan, Schedule and Process criteria. Each complete, eligible application will receive a rating of Highly Recommended, Recommended or Not Recommended depending on its performance against the criteria. Applications that are complete but not eligible will not be rated. FTA may seek clarification from any applicant about any statement in its application that FTA finds ambiguous, and/or to request additional documentation to be considered during the evaluation process to clarify information contained within the application.

After a thorough evaluation of all eligible proposals, the technical evaluation committee will provide selection recommendations to the FTA Administrator. The FTA Administrator will determine the final list of project selections, and the amount of funding for each project. Geographic diversity, diversity of community size, and the applicant's receipt of other FTA competitive funding may be considered in FTA's award decisions. FTA expects to announce the selected projects and notify successful proposers during fall 2016.

F. Federal Award Administration Information

1. Federal Award Notices

Funds under this NOFO cannot be used to reimburse applicants for otherwise eligible expenses incurred prior to FTA award of a grant until FTA has issued pre-award authority for selected projects through a notification in the **Federal Register**, or unless FTA has issued a "Letter of No Prejudice" for the project before the expenses are incurred.

Local funds must be committed and grants awarded within eight months of funding announcements.

2. Administrative and National Policy Requirements

i. Grant Requirements

If selected, awardees will apply for a grant through FTA's electronic grants management system and adhere to the customary FTA grant requirements of the Section 5303 Metropolitan Planning program, including those of FTA Circular 8100.1C and Circular 5010.1D. All competitive grants, regardless of award amount, will be subject to the Congressional Notification and release process. Technical assistance regarding these requirements is available from each FTA regional office.

ii. Planning

FTA encourages proposers to notify the appropriate metropolitan planning organizations in areas likely to be served by the funds made available under this program. Selected projects must be incorporated into the unified planning work programs of metropolitan areas before they are eligible for FTA funding.

iii. Standard Assurances

The applicant assures that it will comply with all applicable Federal statutes, regulations, executive orders, FTA circulars, and other Federal administrative requirements in carrying out any project supported by the FTA grant. The applicant acknowledges that it is under a continuing obligation to comply with the terms and conditions of the grant agreement issued for its project with FTA. The applicant understands that Federal laws, regulations, policies, and administrative practices might be modified from time to time and may affect the implementation of the project. The applicant agrees that the most recent Federal requirements will apply to the project, unless FTA issues a written determination otherwise. The applicant must submit the Certifications and Assurances before receiving a grant if it does not have current certifications on file.

3. Reporting

Post-award reporting requirements include submission of Federal Financial Reports and Milestone Progress Reports in FTA's electronic grants management system on a quarterly basis. Awardees must also submit copies of the deliverables identified in the work plan to the FTA regional office at the corresponding milestones.

G. Federal Awarding Agency Contact

For program-specific questions, please contact Benjamin Owen, Office of Planning and Environment, (202) 366–5602, email: *Benjamin.Owen@dot.gov.* A TDD is available at 1–800–877–8339 (TDD/FIRS).

H. Other Information

This program is not subject to Executive Order 12372, "Intergovernmental Review of Federal Programs." FTA will consider applications for funding only from eligible recipients for eligible projects listed in Section C.

Complete applications must be submitted through GRANTS.GOV by 11:59 p.m. EDT June 13, 2016. Contact information for FTA's regional offices can be found on FTA's Web site at *www.fta.dot.gov.*

As a result of amendments in the FAST Act, transit-oriented development projects may receive loans through the USDOT Transportation Infrastructure Finance and Innovation Act (TIFIA) program. Further information about this program was published in the **Federal Register** on March 11, 2016 and is available at *https://www.gpo.gov/fdsys/pkg/FR-2016-03-11/pdf/2016-05640.pdf.*

Matthew J. Welbes,

Executive Director.

Appendix A

Registration in SAM and Grants.Gov

Registration in Brief

Registration takes approximately 3–5 business days, but allow 4 weeks for completion of all steps.

STEP 1: Obtain DUNS Number

Same day. If requested by phone (1–866–705–5711) DUNS is provided immediately. If your organization does not have one, you will need to go to the Dun & Bradstreet Web site at *http://fedgov.dnb.com/webform* [EXIT Disclaimer] to obtain the number. **Information for Foreign Registrants.*Webform requests take 1–2 business days.*

STEP 2: Register with SAM

Three to five business days or up to two weeks. If you already have a TIN, your SAM registration will take 3–5 business days to process. If you are applying for an EIN please allow up to 2 weeks. Ensure that your organization is registered with the System for Award Management (SAM) at System for Award Management (SAM). If your organization is not, an authorizing official of your organization must register.

STEP 3: Username & Password

Same day. Complete your AOR (Authorized Organization Representative) profile on Grants.gov and create your username and password. You will need to use your organization's DUNS Number to complete this step. *https://apply07.grants.gov/apply/OrcRegister.*

STEP 4: AOR Authorization

*Same day. The E-Business Point of Contact (E-Biz POC) at your organization must login to Grants.gov to confirm you as an Authorized Organization Representative (AOR). Please note that there can be more than one AOR for your organization. In some cases the E-Biz POC is also the AOR for an organization. **Time depends on responsiveness of your E-Biz POC.*

STEP 5: TRACK AOR STATUS

At any time, you can track your AOR status by logging in with your username and password. Login as an Applicant (enter your username & password you obtained in Step 3) using the following link: *applicant_profile.jsp.*

[FR Doc. 2016–08538 Filed 4–13–16; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Limitation on Claims Against Proposed Public Transportation Projects

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice.

SUMMARY: This notice announces final environmental actions taken by the Federal Transit Administration (FTA) for projects in New York, NY; North Brunswick Township and City of New Brunswick, NJ; and Cobb and Fulton Counties, GA. The purpose of this notice is to announce publicly the environmental decisions by FTA on the subject projects and to activate the limitation on any claims that may challenge these final environmental actions.

DATES: By this notice, FTA is advising the public of final agency actions subject to Section 139(l) of Title 23, United States Code (U.S.C.). A claim seeking judicial review of FTA actions announced herein for the listed public transportation projects will be barred unless the claim is filed on or before September 12, 2016.

FOR FURTHER INFORMATION CONTACT: Nancy-Ellen Zusman, Assistant Chief Counsel, Office of Chief Counsel, (312) 353–2577 or Terence Plaskon, Environmental Protection Specialist, Office of Environmental Programs, (202) 366–0442. FTA is located at 1200 New Jersey Avenue SE., Washington, DC 20590. Office hours are from 9:00 a.m. to 5:00 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: Notice is hereby given that FTA has taken final agency actions by issuing certain approvals for the public transportation projects listed below. The actions on the projects, as well as the laws under which such actions were taken, are

described in the documentation issued in connection with the projects to comply with the National Environmental Policy Act (NEPA) and in other documents in the FTA administrative record for the projects. Interested parties may contact either the project sponsor or the relevant FTA Regional Office for more information. Contact information for FTA's Regional Offices may be found at *https://www.fta.dot.gov.*

This notice applies to all FTA decisions on the listed projects as of the issuance date of this notice and all laws under which such actions were taken, including, but not limited to, NEPA [42 U.S.C. 4321–4375], Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303], Section 106 of the National Historic Preservation Act [16 U.S.C. 470f], and the Clean Air Act [42 U.S.C. 7401–7671q]. This notice does not, however, alter or extend the limitation period for challenges of project decisions subject to previous notices published in the **Federal Register**. The projects and actions that are the subject of this notice are:

1. *Project name and location:* East Side Access, New York, NY. *Project sponsor:* Metropolitan Transportation Authority (MTA). *Project description:* The East Side Access Project (ESA) will connect the Long Island Rail Road's (LIRR) Main and Port Washington Lines in Queens to a new LIRR terminal beneath Grand Central Terminal in Manhattan. The MTA evaluated various project changes in seven prior technical memoranda. In Technical Memorandum No. 8, the MTA proposed to construct a new elevator that would connect the ESA command center (or Terminal Management Center) in the new LIRR Concourse with the existing Metro North Railroad command center, which is located in the Station Master's Office in Grand Central Terminal. In Technical Memorandum No. 9, the MTA proposed to extend the construction period at 55th Street, between Park and Madison Avenues, by approximately 48 additional months to allow concrete deliveries to the tunnels to facilitate the remaining Manhattan construction work and potentially allow hatch access for construction personnel. In Technical Memorandum No. 10, the MTA proposed a new concrete delivery location on 49th Street between Madison and Park Avenues, and a modification to the design for the entrance located at 415 Madison Avenue. This notice only applies to the discrete actions taken by FTA at this time, as described below. Nothing in this notice affects FTA's previous decisions, or notice thereof, for this project. *Final agency actions:* FTA determination in each case that neither a supplemental environmental impact statement nor a supplemental environmental assessment is necessary. *Supporting documentation:* Technical Memorandum No. 8—Command Center Elevator, dated March 26, 2015; Technical Memorandum No. 9—Concrete Deliveries at 55th Street, dated June 8, 2015; and Technical Memorandum No. 10—Concrete Deliveries at 49th Street and 415 Madison Entrance Design Enhancement, dated February 10, 2016.

2. *Project name and location:* Delco Lead Safe Haven Storage and Re-Inspection Facility, North Brunswick Township and City of New Brunswick, NJ. *Project sponsor:* New Jersey Transit Corporation. *Project description:* The proposed project would construct a rail vehicle service and inspection facility and outdoor storage rail track for up to 444 rail vehicles. The project would require the acquisition of eight properties with a combined total area of 42.6 acres. *Final agency actions:* Section 4(f) determination; a Section 106 Programmatic Agreement, dated September 16, 2015; project-level air quality conformity; and Finding of No Significant Impact, dated February 19, 2016. *Supporting documentation:* Environmental Assessment, dated December 2015.

3. *Project name and location:* Connect Cobb Corridor Project, Cobb and Fulton Counties, GA. *Project description:* The proposed project would build an approximately 25-mile arterial rapid transit (ART) bus system with associated improvements on US 41/Cobb Parkway. The ART system would run from the Kennesaw area to the existing Metropolitan Atlanta Regional Transit Authority Arts Center Station, with the majority of the project operating in a dedicated guideway. *Final agency actions:* No use determination of Section 4(f) resources; Section 106 finding of no adverse effect; project-level air quality conformity; and Finding of No Significant Impact, dated April 1, 2016.

Lucy Garliauskas,

Associate Administrator Planning and Environment.

[FR Doc. 2016–08537 Filed 4–13–16; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Notice of Applications for Special Permits

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: List of applications for special permits.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for which a particular special permit is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before May 16, 2016.

Address Comments to: Record Center, Pipeline and Hazardous Materials Safety Administration U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Ryan Paquet, Director, Office of Hazardous Materials Approvals and Permits Division, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC 20590–0001, (202) 366–4535.

SUPPLEMENTARY INFORMATION: Copies of the applications are available for

inspection in the Records Center, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC or at *http://regulations.gov.*

This notice of receipt of applications for special permit is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(6); 49 CFR 1.53(b)).

Issued in Washington, DC, on April 5, 2016.

Donald Burger,

Chief, Office of the Special Permits and Approvals.

SPECIAL PERMITS DATA

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
20205–N		TIER HOLDINGS, LLC	173.244	To authorize the one-time movement of a tank built in accordance with ASME section VIII Div. 1, 2013 containing no more than 3,500 pounds of sodium metal.
20213–N		WEST CRYOGENICS, Inc.	172.203(a), 172.301(c), 180.211(c)(2)(i).	To authorize the repair of certain DOT 4L cylinders without requiring pressure testing to the internal jacket.
20214–N		UNIVERSITY OF SOUTHERN CALIFORNIA.	177.817, 177.823(a), 172.200, 172.300, 172.602(c)(1), 172.604(a)(3), 172.400.	To authorize the transportation in commerce of certain waste materials on approximately 0.4 mile of public roads without being subject to certain hazard communication requirements.
20215–N		POLLUX AVIATION LTD	175.30(a)(1), 172.101(j)	To authorize the transportation in commerce of diesel and gasoline in amounts that exceed the quantity limitations for transportation by 14 CFR part 133 Rotorcraft External Load Operations transporting hazardous materials attached to or suspended from an aircraft in remote areas of the U.S. when no other means of transportation are available.
20217–N		NUANCE MEDICAL, LLC	171.23(b), 171.8, 173.304a(a)(1), 173.306(a)(3).	To authorize the transportation in commerce of certain Division 2.1 gases in a DOT 2Q container.
20218–N		Tremcar Inc	178.345–2, 178.346–2, 178.347–2(a), 178.348–2(a).	To authorize the manufacture, marking, sale, and use of DOT 400 series cargo tank motor vehicles fabricated using materials not authorized in § 178.345–2, and thicknesses not authorized in §§ 178.346–2, 178.347–2 and 178.348–2.
20219–N		COASTAL HELICOPTERS, INC.	175.30(a)(1), 175.75, 172.101(j), 172.101(j)(1), 172.200(a), 172.204(c)(3), 172.300(a), 172.300(b), 173.27(b)(2).	To authorize the transportation in commerce of certain hazardous materials by 14 CFR part 133 Rotorcraft External Load Operations, transporting hazardous materials attached to or suspended from an aircraft, in remote areas of the U.S. only, without being subject to hazard communication requirements, quantity limitations and certain loading and stowage requirements.
20220–N		AGILITY FUEL SYSTEMS, INC.	173.220(a)	To authorize the transportation in commerce of compressed natural gas fuel systems that are not part of an internal combustion engine.
20221–N		COMET TECHNOLOGIES USA Inc.	173.304(a)(2)	To authorize the transportation in commerce of a Division 2.2 gas in a non-DOT specification pressure vessel.
20224–N		AXALTA COATING SYSTEMS, LLC.	172.504(a), 173.242, 172.101(c)(10)(ii)(F)(iii), 172.302(a).	To authorize the transportation in commerce of certain waste paints and paint related materials, Class 3, in metal or plastic pails, packed in roll-off containers.

[FR Doc. 2016–08174 Filed 4–13–16; 8:45 am]

BILLING CODE 4909–60–M

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

FEDERAL RESERVE SYSTEM

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCIES: Office of the Comptroller of the Currency (OCC), Treasury; Board of Governors of the Federal Reserve System (Board); and Federal Deposit Insurance Corporation (FDIC).

ACTION: Joint notice and request for comment.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the OCC, the Board, and the FDIC (the "agencies") may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The Federal Financial Institutions Examination Council (FFIEC), of which the agencies are members, has approved the agencies' publication for public comment of a proposal to extend, with revision, the Country Exposure Report (FFIEC 009) and the Country Exposure Information Report (FFIEC 009a), which are currently approved collections of information. The agencies propose to modify these collections effective September 30, 2016, to (1) have institutions provide their Legal Entity Identifier (LEI) on both reporting forms, only if they already have one, and (2) add Intermediate Holding Companies (IHCs) to the Board's respondent panel. At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the FFIEC and the agencies should modify the proposed revisions prior to giving final approval. The agencies will then submit the revisions to OMB for review and approval.

DATES: Comments must be submitted on or before June 13, 2016.

ADDRESSES: Interested parties are invited to submit written comments to any or all of the agencies. All comments, which should refer to the OMB control number(s), will be shared among the agencies.

OCC: Because paper mail in the Washington, DC, area and at the OCC is subject to delay, commenters are encouraged to submit comments by email, if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention "1557–0100, FFIEC 009 and FFIEC 009a," 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219. In addition, comments may be sent by fax to 571–465–4326 or by electronic mail to *prainfo@occ.treas.gov*.

You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling 202–649–6700. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect and photocopy comments.

All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comments or supporting materials that you consider confidential or inappropriate for public disclosure.

Board: You may submit comments, which should refer to "FFIEC 009 and FFIEC 009a," by any of the following methods:

- Agency Web site: *http://www.federalreserve.gov*. Follow the instructions for submitting comments on the *http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm*.
- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Email: regs.comments@federalreserve.gov*. Include the reporting form numbers in the subject line of the message.
- *FAX:* 202–452–3819 or 202–452–3102.
- *Mail:* Robert deV. Frierson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551.

All public comments are available from the Board's Web site at *http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm* as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper in Room MP–500 of the Board's Martin Building (20th and C Streets NW.) between 9:00 a.m. and 5:00 p.m. on weekdays.

FDIC: You may submit comments, which should refer to "FFIEC 009 and FFIEC 009a," by any of the following methods:

- *Agency Web site: https://www.fdic.gov/regulations/laws/federal/*. Follow the instructions for submitting comments on the FDIC Web site.
- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Email: Comments@FDIC.gov*. Include "FFIEC 009 and FFIEC 009a" in the subject line of the message.
- *Mail:* Gary A. Kuiper, Counsel, Room MB–3016, or Manuel E. Cabeza, Counsel, Room MB–3105, Attn: Comments, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.
- *Hand Delivery:* Comments may be hand delivered to the guard station at the rear of the 550 17th Street Building (located on F Street) on business days between 7:00 a.m. and 5:00 p.m.

Public Inspection: All comments received will be posted without change to *https://www.fdic.gov/regulations/laws/federal/* including any personal information provided. Paper copies of public comments may be requested from the FDIC Public Information Center by telephone at 877–275–3342 or 703–562–2200.

Additionally, commenters may send a copy of their comments to the OMB desk officer for the agencies by mail to the Office of Information and Regulatory Affairs, U.S. Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW., Washington, DC 20503; by fax to 202–395–6974; or by email to *oira_submission@omb.eop.gov*.

FOR FURTHER INFORMATION CONTACT: For further information about the proposed revisions to the FFIEC 009 and FFIEC 009a discussed in this notice, please contact any of the agency staff whose names appear below. In addition, copies of the FFIEC 009 and FFIEC 009a reporting forms can be obtained at the FFIEC's Web site (*http://www.ffiec.gov/ffiec_report_forms.htm*).

OCC: Mary H. Gottlieb, OCC Clearance Officer, 202–649–5490, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Washington, DC 20219.

Board: Nuha Elmaghrabi, Federal Reserve Board Clearance Officer, 202–452–3884, Division of Research and Statistics, Board of Governors of the Federal Reserve System, 20th and C Streets NW., Washington, DC 20551. Telecommunications Device for the Deaf (TDD) users may call 202–263–4869.

FDIC: Gary Kuiper, Counsel, (202) 898–3877, or Manuel E. Cabeza, Counsel, (202) 898–3767, Federal

Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION: The agencies are proposing to revise and extend for three years the FFIEC 009 and FFIEC 009a, which are currently an approved collection of information for each agency.

Report Titles: Country Exposure Report and Country Exposure Information Report.

Form Numbers: FFIEC 009 and FFIEC 009a.

Frequency of Response: Quarterly.

Affected Public: Business or other for profit.

OCC

OMB Number: 1557–0100.

Estimated Number of Respondents: 16 (FFIEC 009), 9 (FFIEC 009a).

Estimated Average Time per Response: 131 hours (FFIEC 009), 6 hours (FFIEC 009a).

Estimated Total Annual Burden: 8,384 hours (FFIEC 009), 216 hours (FFIEC 009a).

Board

OMB Number: 7100–0035.

Estimated Number of Respondents: 45 (FFIEC 009), 33 (FFIEC 009a).

Estimated Average Time per Response: 131 hours (FFIEC 009), 6 hours (FFIEC 009a).

Estimated Total Annual Burden: 23,580 hours (FFIEC 009), 792 hours (FFIEC 009a).

FDIC

OMB Number: 3064–0017.

Estimated Number of Respondents: 17 (FFIEC 009), 9 (FFIEC 009a).

Estimated Average Time per Response: 131 hours (FFIEC 009), 6 hours (FFIEC 009a).

Estimated Total Annual Burden: 8,908 hours (FFIEC 009), 216 hours (FFIEC 009a).

General Description of Reports

The Country Exposure Report (FFIEC 009) is filed quarterly with the agencies and provides information on international claims of U.S. banks, savings associations, bank holding companies, and savings and loan holding companies that is used for supervisory and analytical purposes. The information is used to monitor the foreign country exposures of reporting institutions to determine the degree of risk in their portfolios and assess the potential risk of loss. The Country Exposure Information Report (FFIEC 009a) is a supplement to the FFIEC 009 and provides publicly available information on material foreign country exposures (all exposures to a country in excess of 1 percent of total assets or 20 percent of capital, whichever is less) of U.S. banks, savings associations, bank holding companies, and savings and loan holding companies that file the FFIEC 009 report. As part of the Country Exposure Information Report, reporting institutions also must furnish a list of countries in which they have lending exposures above 0.75 percent of total assets or 15 percent of total capital, whichever is less.

Discussion of Proposed Revisions

A. The Legal Entity Identifier (LEI) is a 20-digit alpha-numeric code that uniquely identifies entities that engage in financial transactions. The recent financial crisis spurred the development of a Global LEI System (GLEIS). Internationally, regulators and market participants have recognized the importance of the LEI as a key improvement in financial data systems. The Group of Twenty (G-20) nations directed the Financial Stability Board to lead the coordination of international regulatory work and deliver concrete recommendations on the GLEIS by mid-2012, which in turn were endorsed by the G-20 later that same year. In January 2013, the LEI Regulatory Oversight Committee (ROC), including participation by regulators from around the world, was established to oversee the GLEIS on an interim basis. With the establishment of the full Global LEI Foundation in 2014, the ROC continues to review and develop broad policy standards for LEIs. The OCC, the Board, and the FDIC are all members of the ROC.

The LEI system is designed to facilitate several financial stability objectives, including the provision of higher quality and more accurate financial data. In the United States, the Financial Stability Oversight Council (FSOC) has recommended that regulators and market participants continue to work together to improve the quality and comprehensiveness of financial data both nationally and globally. In this regard, the FSOC also has recommended that its member agencies promote the use of the LEI in reporting requirements and rulemakings, where appropriate.[1]

Effective beginning October 31, 2014, the Board started requiring holding companies to provide their LEI on the cover pages of the FR Y–6, FR Y–7, and FR Y–10 reports[2] only if a holding company already has an LEI. Thus, if a reporting holding company does not have an LEI, it is not required to obtain one for purposes of these Board reports. Additionally, effective for December 2015, the Board expanded the collection of the LEI to all holding company subsidiary banking and nonbanking legal entities reportable on certain schedules of the FR Y–10 and in one section of the FR Y–6 and FR Y–7 if an LEI has already been issued for the reportable entity. With respect to the FFIEC 009 and FFIEC 009a, the agencies are proposing to have reporting institutions provide their LEI on the cover page of each report beginning September 30, 2016, only if an institution already has an LEI. As with the Board reports, an institution that does not have an LEI would not be required to obtain one for purposes of reporting it on the FFIEC 009 and FFIEC 009a.

B. On December 14, 2012, the Board invited comment on a notice of proposed rulemaking (proposed Regulation YY)[3] that would have required a Foreign Banking Organization (FBO) with $50 billion in non-branch assets to establish a U.S. IHC, imposed enhanced prudential standards on the IHC, and required the IHC to submit any reporting forms in the same manner and to the same extent as a bank holding company. On February 18, 2014, the Board adopted a final rule implementing enhanced prudential standards for FBOs (Regulation YY),[4] with certain revisions in response to comments. The Board indicated in the preamble to Regulation YY that it would address the reporting requirements for IHCs at a later date. Based on the background provided above, the agencies propose to add IHCs to the FFIEC 009 and FFIEC 009a panel of Board respondents beginning September 30, 2016.

Legal Basis for the Information Collection

These information collections are mandatory under the following statutes: 12 U.S.C. 161 and 1817 (national banks), 12 U.S.C. 1464 (federal savings associations), 12 U.S.C. 248(a)(1) and (2), 1844(c), and 3906 (state member banks and bank holding companies); 12 U.S.C. 1467a(b)(2)(A) (savings and loan holding companies); 12 U.S.C. 5365(a) (intermediate holding companies); and 12 U.S.C. 1817 and 1820 (insured state nonmember commercial and savings

[1] Financial Stability Oversight Council 2015 Annual Report, page 14, at *http://www.treasury.gov/initiatives/fsoc/studies-reports/Documents/2015%20FSOC%20Annual%20Report.pdf.*

[2] FR Y–6, Annual Report of Holding Companies; FR Y–7, Annual Report of Foreign Banking Organizations; and FR Y–10, Report of Changes in Organizational Structure (OMB No. 7100–0297).

[3] See 77 FR 76628 (December 28, 2012).

[4] See 79 FR 17240 (March 27, 2014).

banks and insured state savings associations). The FFIEC 009 information collection is given confidential treatment (5 U.S.C. 552(b)(4) and (b)(8)). The FFIEC 009a information collection is not given confidential treatment.

Request for Comment

The agencies invite comment on the following topics related to this collection of information:

(a) Whether the information collections are necessary for the proper performance of the agencies' functions, including whether the information has practical utility;

(b) The accuracy of the agencies' estimates of the burden of the information collections, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of information collections on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Comments submitted in response to this joint notice will be shared among the agencies. All comments will become a matter of public record.

Dated: April 4, 2016.

Stuart Feldstein,

Director, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency.

Board of Governors of the Federal Reserve System, April 8, 2016.

Robert deV. Frierson,

Secretary of the Board.

Dated at Washington, DC, this 4th day of April, 2016.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2016–08586 Filed 4–13–16; 8:45 am]

BILLING CODE 4810–33–P; 6714–01–P; 6210–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Taxpayer Assistance Center Improvements Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: The Taxpayer Advocacy Panel Taxpayer Assistance Center Improvements Project Committee will conduct an open meeting and will solicit public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Wednesday, May 11, 2016.

FOR FURTHER INFORMATION CONTACT: Otis Simpson at 1–888–912–1227 or 202–317–3332.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel Taxpayer Assistance Center Improvements Project Committee will be held Wednesday, May 11, 2016, at 2:00 p.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Otis Simpson. For more information please contact: Otis Simpson at 1–888–912–1227 or 202–317–3332, TAP Office, 1111 Constitution Avenue NW., Room 1509, National Office, Washington, DC 20224, or contact us at the Web site: *http://www.improveirs.org.*

The committee will be discussing various issues related to the Taxpayer Assistance Centers and public input is welcomed.

Dated: April 8, 2016.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2016–08666 Filed 4–13–16; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Tax Forms and Publications Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Tax Forms and Publications Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Thursday, May 12, 2016.

FOR FURTHER INFORMATION CONTACT: Donna Powers at 1–888–912–1227 or (954) 423–7977.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Tax Forms and Publications Project Committee will be held Thursday, May 12, 2016, at 1:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Donna Powers. For more information please contact: Donna Powers at 1–888–912–1227 or (954) 423–7977 or write: TAP Office, 1000 S. Pine Island Road, Plantation, FL 33324 or contact us at the Web site: *http://www.improveirs.org.* The committee will be discussing various issues related to Tax Forms and Publications and public input is welcomed.

Dated: April 8, 2016.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2016–08667 Filed 4–13–16; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Notices and Correspondence Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Notices and Correspondence Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Wednesday, May 25, 2016.

FOR FURTHER INFORMATION CONTACT: Theresa Singleton at 1–888–912–1227 or 202–317–3329.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel Notices and Correspondence Project Committee will be held Wednesday, May 25, 2016, at 12:00 p.m. Eastern Time via

teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Theresa Singleton. For more information please contact: Theresa Singleton at 1–888–912–1227 or 202–317–3329, TAP Office, 1111 Constitution Avenue NW., Room 1509–National Office, Washington, DC 20224, or contact us at the Web site: *http://www.improveirs.org.*

The agenda will include a discussion on various letters, and other issues related to written communications from the IRS.

Dated: April 8, 2016.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2016–08668 Filed 4–13–16; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Thursday, May 19, 2016.

FOR FURTHER INFORMATION CONTACT: Antoinette Ross at 1–888–912–1227 or (202) 317–4110.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee will be held Thursday, May 19, 2016, at 3:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Antoinette Ross. For more information please contact: Antoinette Ross at 1–888–912–1227 or (202) 317–4110, or write TAP Office, 1111 Constitution Avenue NW., Room 1509–National Office, Washington, DC 20224, or contact us at the Web site: *http://www.improveirs.org.*

The committee will be discussing various issues related to Taxpayer Communications and public input is welcome.

Dated: April 8, 2016.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2016–08665 Filed 4–13–16; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Special Projects Committee

AGENCY: Internal Revenue Service (IRS) Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Special Projects Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, May 3, 2016.

FOR FURTHER INFORMATION CONTACT: Kim Vinci at 1–888–912–1227 or 916–974–5086.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel Special Projects Committee will be held Tuesday, May 3, 2016, at 1:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Kim Vinci. For more information please contact: Kim Vinci at 1–888–912–1227 or 916–974–5086, TAP Office, 4330 Watt Ave., Sacramento, CA 95821, or contact us at the Web site: *http://www.improveirs.org.*

The agenda will include a discussion on various special topics with IRS processes.

Dated: April 8, 2016.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2016–08619 Filed 4–13–16; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Toll-Free Phone Line Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Toll-Free Phone Line Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Wednesday, May 18, 2016.

FOR FURTHER INFORMATION CONTACT: Linda Rivera at 1–888–912–1227 or (202) 317–3337.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Toll-Free Phone Line Project Committee will be held Wednesday, May 18, 2016, at 2:30 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Linda Rivera. For more information please contact: Ms. Rivera at 1–888–912–1227 or (202)317–3337, or write TAP Office, 1111 Constitution Avenue NW., Room 1509- National Office, Washington, DC 20224, or contact us at the Web site: *http://www.improveirs.org.*

The committee will be discussing Toll-free issues and public input is welcomed.

Dated: April 8, 2016.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2016–08670 Filed 4–13–16; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Recruitment Notice for the Taxpayer Advocacy Panel

AGENCY: Internal Revenue Service (IRS) Treasury.

ACTION: Notice.

SUMMARY: Notice of Open Season for Recruitment of IRS Taxpayer Advocacy Panel (TAP) Members.

DATES: April 11, 2016, through May16, 2016.

FOR FURTHER INFORMATION CONTACT: Lisa Billups at 214–413–6523 (not a toll-free call).

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Department of the Treasury and the Internal Revenue Service (IRS) are inviting individuals to help improve the nation's tax agency by applying to be members of the Taxpayer Advocacy Panel (TAP). The mission of the TAP is to listen to taxpayers, identify issues that affect taxpayers, and make suggestions for improving IRS service and customer satisfaction. The TAP serves as an advisory body to the Secretary of the Treasury, the Commissioner of Internal Revenue, and the National Taxpayer Advocate. TAP members will participate in subcommittees that channel their feedback to the IRS through the Panel's parent committee.

The IRS is seeking applicants who have an interest in good government, a personal commitment to volunteer approximately 200 to 300 hours a year, and a desire to help improve IRS customer service. As a federal advisory committee, TAP is required to have membership be fairly balanced in terms of the points of view represented. Thus, TAP membership represents a cross-section of the taxpaying public with at least one member from each state, the District of Columbia and Puerto Rico, in addition to one member representing international taxpayers. For application purposes, "international taxpayers" are defined broadly to include U.S. citizens working, living, or doing business abroad or in a U.S. territory. Potential candidates must be U.S. citizens, not a current employee of any Bureau of the Treasury Department or have worked for any Bureau of the Treasury Department within the three years of December 1 of the current year and must pass a federal tax compliance check and a Federal Bureau of Investigation criminal background investigation. Applicants who practice before the IRS must be in good standing with the IRS. Federally-registered lobbyists cannot be members of the TAP. The IRS is seeking members or alternates in the following locations: Alaska, Arkansas, California, Colorado, Connecticut, Florida, Hawaii, Iowa, Idaho, Illinois, Indiana, Kentucky, Louisiana, Massachusetts, Maryland, Maine, Michigan, Minnesota, Missouri, Mississippi, Montana, North Carolina, North Dakota, Nebraska, New Hampshire, New York, Oklahoma, Oregon, Pennsylvania, Puerto Rico, South Dakota, Tennessee, Utah, Wisconsin, West Virginia, and Wyoming.

TAP members are a diverse group of citizens who represent the interests of taxpayers, from their respective geographic locations, by providing feedback from a taxpayer's perspective on ways to improve IRS customer service and administration of the federal tax system, and by identifying grassroots taxpayer issues. Members should have good communication skills and be able to speak to taxpayers about TAP and its activities, while clearly distinguishing between TAP positions and their personal viewpoints.

Interested applicants should visit the TAP Web site at *www.improveirs.org* for more information about TAP. Applications must be submitted electronically at *www.usajobs.gov*. For questions about TAP membership, call the TAP toll-free number, 1–888–912–1227 and select option 5. Callers who are outside of the U.S. and U.S. territories should call 214–413–6523 (not a toll-free call).

The opening date for submitting applications is April 11, 2016, and the deadline for submitting applications is May 16, 2016. Interviews will be held. The Department of the Treasury will review the recommended candidates and make final selections. New TAP members will serve a three-year term starting in December 2016. (**Note:** highly-ranked applicants not selected as members may be placed on a roster of alternates who will be eligible to fill future vacancies that may occur on the Panel.)

Questions regarding the selection of TAP members may be directed to Lisa Billups, Taxpayer Advocacy Panel, Internal Revenue Service, 1111 Constitution Avenue NW., TA:TAP Room 1509, Washington, DC 20224, or 214–413–6523 (not a toll-free call).

Dated: April 8, 2016.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2016–08618 Filed 4–13–16; 8:45 am]

BILLING CODE 4830–01–P

FEDERAL REGISTER

Vol. 81 Thursday,
No. 72 April 14, 2016

Part II

The President

Proclamation 9422—National Equal Pay Day, 2016

Federal Register
Vol. 81, No. 72
Thursday, April 14, 2016

Presidential Documents

Title 3—

The President

Proclamation 9422 of April 11, 2016

National Equal Pay Day, 2016

By the President of the United States of America

A Proclamation

Our Nation is built on the basic promise of a fair shot for all our people. Women in the United States still do not always receive equal pay for equal work. When women are paid less for doing the same jobs as men, it undermines our most fundamental beliefs as Americans. Every year, we mark how far into the new year women would have to work in order to earn the same as men did in the previous year, and on this day, we reaffirm our commitment to ensuring equal pay for all.

Although small gains have been made in recent years, the typical woman working full-time, year-round earns only 79 cents for every dollar earned by the typical man, and women of color earn even less relative to the typical white, non-Hispanic man—60 cents on the dollar for the typical black woman and 55 cents on the dollar for the typical Hispanic woman. Women are increasingly the breadwinners of American households, and when they are not paid equally, or are underrepresented in certain higher-paying occupations, their ability to save for retirement is hindered and hardworking families face greater difficulty meeting their basic financial needs. Pay discrimination puts greater strain on families to cover costs like child care or health care, and it holds our economy back from achieving its full potential. We must continue taking action to address issues of equal pay, pay secrecy, pregnancy discrimination, and unconscious bias. The gender pay gap in the United States is among the largest of many industrialized nations, and because women make up nearly half our workforce, this disparity impacts us all. The pay gap between men and women offends our values as Americans, and as long as it exists, our businesses, our communities, and our Nation will suffer the consequences.

My Administration is dedicated to reaching a day in which all women are paid equally for their work. Earlier this year, the Equal Employment Opportunity Commission, in partnership with the Department of Labor, announced a new proposal to gather pay data by race, ethnicity, and gender from businesses with at least 100 employees. This will help businesses make sure their employees are being treated equally, and it will help us enforce existing equal pay laws. This proposal originated in part with my National Equal Pay Task Force, which has helped coordinate a Federal effort to crack down on violations of equal pay laws. Our Nation has taken significant steps toward achieving pay equity over the last 7 years—from the first piece of legislation I signed as President, the Lilly Ledbetter Fair Pay Act, which makes it easier for women to challenge unequal pay, to my Executive Order prohibiting Federal contractors from discriminating against employees who discuss their compensation. But much work remains to be done, which is why I continue to call on the Congress to pass the Paycheck Fairness Act—a commonsense measure that would bolster the ability of women to fight pay discrimination.

When all people know their country is invested in their success, we are all better off. Together, we must rid our society of the injustice that is pay discrimination and restore the promise that is the right of every American: the idea that with hard work, anyone can reach for their dreams

and know no limits but the scope of their aspirations. On National Equal Pay Day, we renew our belief in equal pay for equal work, and we rededicate ourselves to building a future in which women are paid based on their merits.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 12, 2016, as National Equal Pay Day. I call upon all Americans to recognize the full value of women's skills and their significant contributions to the labor force, acknowledge the injustice of wage inequality, and join efforts to achieve equal pay.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of April, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

[FR Doc. 2016–08848
Filed 4–13–16; 11:15 am]
Billing code 3295–F6–P

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